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PLANT PESTS, CONTROL AND ERADICATION

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HEARING

BEFORE THE

SUBCOMMITTEE ON RESEARCH AND EXTENSION

OF THE

COMMITTEE ON AGRICULTURE

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH CONGRESS

FIRST SESSION

ON

H. R. 3476, H. R. 4145, H. R. 5659, H. R. 5689, H. R. 5843,
H. R. 5931, H. R. 5948, and H. R. 6019

MARCH 18, 1957

Printed for the use of the Committee on Agriculture

Serial I



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CONTENTS

	Page
H. R. 3476. A bill to facilitate the regulation, control, and eradication of plant pests-----	1
H. R. 4145. A bill to facilitate the regulation, control, and eradication of plant pests-----	4
H. R. 5659. A bill to facilitate the regulation, control, and eradication of plant pests-----	7
H. R. 5689. A bill to facilitate the regulation, control, and eradication of plant pests-----	7
H. R. 5843. A bill to facilitate the regulation, control, and eradication of plant pests-----	7
H. R. 5931. A bill to facilitate the regulation, control, and eradication of plant pests-----	7
H. R. 5948. A bill to facilitate the regulation, control, and eradication of plant pests-----	7
H. R. 6019. A bill to facilitate the regulation, control, and eradication of plant pests-----	10
Statement of—	
Boykin, Hon. Frank W., a Representative in Congress from the First District of Alabama-----	36
Clarkson, Dr. M. R., Deputy Administrator, Agricultural Research Service, United States Department of Agriculture-----	11
Elliott, Hon. Carl, Seventh Congressional District of Alabama-----	33
Jones, Hon. Robert E., Eighth District, Alabama-----	41
Roberts, Hon. Kenneth, a Representative in Congress from the State of Alabama-----	33
Selden, Hon. Armistead, a Representative in Congress from the Sixth District of Alabama-----	45
Sikes, Hon. Robert, a representative in Congress from the State of Florida-----	36
Thompson, Hon. T. A., a Representative in Congress from the State of Louisiana-----	38
White, Richard P., executive vice president, American Association of Nurserymen-----	29
Willis, Hon. Edwin E., a Representative in Congress from the Third District of the State of Louisiana-----	42
Additional data submitted to the subcommittee by—	
Abernethy, Hon. Thomas G.:	
Jacobsen, W. C., Sacramento, Calif., telegrams of March 18, 1957-----	51
White, Richard P., executive vice president, letter of March 15, 1957-----	30
Cooley, Hon. Harold D.:	
Blitch, Iris, Member of Congress, Washington, D. C., letter of March 22, 1957-----	50
State of Ohio, department of agriculture, Columbus, letter of March 22, 1957-----	51
Department of Agriculture:	
Report on H. R. 3476, letter of March 15, 1957-----	10
Roberts, Hon. Kenneth:	
Article from Montgomery Advertiser of March 14, 1957-----	35
Selden, Hon. Armistead:	
Southern Plant Board resolution-----	49
Status of imported fire ant, Sixth Congressional District of Alabama-----	46

Additional data submitted—Continued		Page
Willis, Hon. Edwin E.:		
Fuselier, Carroll J., secretary-treasurer, St. Martin Parish Police Jury, resolution-----		43
Lacy, Mrs. Wilfred, secretary-treasurer, Lafayette Parish Police Jury, resolution-----		44
Long, Gov. Earl K., and S. J. McCrory, commissioner of agriculture, State of Louisiana, Baton Rouge, La., telegram of January 28, 1957-----		43
Louisiana Sweet Potato Association, Lafayette, La., resolution of March 6, 1957-----		44
St. Landry Parish Cattlemen's Association, resolution of November 13, 1956-----		45
Vermilion Parish Farm Bureau, Abbeville, La., resolution of February 20, 1957-----		43

PLANT PESTS, CONTROL AND ERADICATION

MONDAY, MARCH 18, 1957

HOUSE OF REPRESENTATIVES,
RESEARCH AND EXTENSION SUBCOMMITTEE OF THE
COMMITTEE ON AGRICULTURE,
Washington, D. C.

The subcommittee met, pursuant to notice, at 10 a. m., in room 1310, New House Office Building, Hon. Thomas G. Abernethy, presiding.

Present: Representatives Abernethy, Grant, Jones, Hagen, Matthews, Bass, Andresen, and Dixon.

Also present: Representatives T. Ashton Thompson, of Louisiana, Armistead I. Selden, Jr., of Alabama, Robert L. F. Sikes, of Florida, and Kenneth A. Roberts, of Alabama.

Mr. ABERNETHY. The subcommittee is meeting this morning for the purpose of giving consideration to a series of bills: H. R. 3476, by Mr. Abernethy; 4145, by Mr. Thompson, of Louisiana; 5659, by Mr. Grant; 5843, by Mr. Willis; 5931, by Mr. Elliott; 5948, by Mr. Roberts; and 6019, by Mr. Huddleston.

There may be other bills related to this subject. If so they will be inserted in the record at this point.

(H. R. 3476, H. R. 4145, H. R. 5659, H. R. 5689, H. R. 5843, H. R. 5931, H. R. 5948, and H. R. 6019 are as follows:)

[H. R. 3476, 85th Cong., 1st sess.]

A BILL To facilitate the regulation, control, and eradication of plant pests

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL PLANT PEST ACT

SEC. 101. This title may be cited as the "Federal Plant Pest Act."

SEC. 102. As used in this Act, except where the context otherwise requires:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Properly identified employee of the Department of Agriculture" means an employee of that Department authorized to enforce the provisions of the Plant Quarantine Act, and wearing a suitable badge for identification, or otherwise properly identified.

(c) "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(d) "Living stage" includes the egg, pupal, and larval stages as well as any other living stage.

(e) "United States" means any of the States, Territories, or Districts (including possessions and the District of Columbia) of the United States.

(f) "Interstate" means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport or move, or allow to be moved, by mail or otherwise.

(h) "Plant Quarantine Act" means the Act of August 20, 1912 (37 Stat. 315), as from time to time amended (7 U. S. C. 151 and the following).

(i) "Mexican Border Act" means the Act of January 31, 1942 (56 Stat. 40), as from time to time amended (7 U. S. C. 149).

SEC. 103. (a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, of plant pests.

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved.

SEC. 104. (a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is hereby declared to be nonmailable, and will not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except when accompanied by a copy of a permit issued under this Act.

(b) Nothing in this Act shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this Act shall not apply to any employee of the United States in the performance of his duties in handling mail.

SEC. 105. (a) Except as provided in paragraph (c), the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States, or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest, or which has moved into the United States, or interstate, and which he has reason to believe was infested or infected by or contained any such plant pest at the time of such movement; and any plant pest, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United States, or interstate, in violation of this Act or any regulation thereunder: *Provided*, That this paragraph shall not authorize such action with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act.

(b) Except as provided in paragraph (c), the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under paragraph (a), or his agent, to treat, apply other remedial measures to, destroy, or make other disposal of such product, article, means of conveyance, or plant pest, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States district court, or to the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or plant pest is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoena for witnesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemina-

tion of plant pests new to or not theretofore known to be widely prevalent or distributed within and throughout the United States.

(d) The owner of any product, article, means of conveyance, or plant pest destroyed or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for plant disease and pest control activities of the Department of Agriculture.

SEC. 106. The Secretary may promulgate such regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States, or interstate, and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests, in any situation in which such regulations are not authorized under the Plant Quarantine Act.

SEC. 107. Any properly identified employee of the Department of Agriculture shall have authority to stop and inspect, without a warrant, any persons or means of conveyance moving into the United States, and any plant pests and any products and articles of any character whatsoever carried thereby, to determine whether such persons or means of conveyance are carrying any plant pest contrary to this Act and whether any such means of conveyance, products, or articles are infested or infected by or contains any plant pest or are moving in violation of any regulation under this Act; to stop and inspect, without a warrant, any person or means of conveyance moving interstate, and any plant pests and any products and articles of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, products, or articles are infested or infected by or contains any plant pest or are moving subject to any regulation under this Act, or that such persons or means of conveyance are carrying any plant pest subject to this Act; and to enter, without a warrant, any premises, other than places subject to entry under section 15 of the Plant Quarantine Act, and other than dwelling houses, in the United States to make any inspections and seizures authorized under this Act, upon probable cause to believe that there are on such premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this Act.

SEC. 108. Any person who violates section 103 of this Act, or any regulation promulgated under this Act, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this Act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both.

SEC. 109. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 110. The Act entitled "An Act to provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico," approved January 31, 1942 (56 Stat. 40; 7 U. S. C. 149), is hereby amended by deleting the provision that "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by and under the direction of authorized inspectors of the Department of Agriculture," and by substituting therefor the following: "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture,".

SEC. 111. The authority conferred by this Act shall be in addition to authority conferred by other statutes not specifically repealed hereby. Nothing in this Act shall amend or repeal any of the provisions of the Plant Quarantine Act. The Act entitled "An Act to prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose," approved March 3, 1905 (33 Stat. 1269; 7 U. S. C. 141-144), and the Act entitled "An Act

to prevent the entry of certain mollusks into the United States", approved September 22, 1951 (65 Stat. 335; 7 U. S. C. 441), are hereby repealed. However, all Acts amended or repealed hereby shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to the effective date of this Act. Nothing contained in this Act shall affect the validity of any findings, regulations, or other orders, permits, or certificates, which were issued under any of the Acts cited in this section prior to the effective date of this Act and which are in effect on said date, but such findings, regulations, other orders, permits, and certificates shall remain in effect unless and until modified in accordance with this Act.

TITLE II—ERADICATION AND CONTROL OF INSECT PESTS, PLANT DISEASES, AND NEMATODES

SEC. 201. Subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed,".

[H. R. 4145, 85th Cong., 1st sess.]

• A BILL To facilitate the regulation, control, and eradication of plant pests

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL PLANT PEST ACT

SEC. 101. This title may be cited as the "Federal Plant Pest Act".

SEC. 102. As used in this Act, except where the context otherwise requires:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Properly identified employee of the Department of Agriculture" means an employee of that Department authorized to enforce the provisions of the Plant Quarantine Act, and wearing a suitable badge for identification, or otherwise properly identified.

(c) "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(d) "Living stage" includes the egg, pupal, and larval stages as well as any other living stage.

(e) "United States" means any of the States, Territories, or Districts (including possessions and the District of Columbia) of the United States.

(f) "Interstate" means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport or move, or allow to be moved, by mail or otherwise.

(h) "Plant Quarantine Act" means the Act of August 20, 1912 (37 Stat. 315), as from time to time amended (7 U. S. C. 151 and the following).

(i) "Mexican Border Act" means the Act of January 31, 1942 (56 Stat. 40), as from time to time amended (7 U. S. C. 149).

SEC. 103 (a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, of plant pests.

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of

dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved.

SEC. 104. (a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is hereby declared to be nonmailable, and will not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except when accompanied by a copy of a permit issued under this Act.

(b) Nothing in this Act shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this Act shall not apply to any employee of the United States in the performance of his duties in handling mail.

SEC. 105. (a) Except as provided in paragraph (c), the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States, or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest, or which has moved into the United States, or interstate, and which he has reason to believe was infested or infected by or contained any such plant pest at the time of such movement; and any plant pest, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United States, or interstate, in violation of this Act or any regulation thereunder: *Provided*, That this paragraph shall not authorize such action with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act.

(b) Except as provided in paragraph (c), the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under paragraph (a), or his agent, to treat, apply other remedial measures to, destroy, or make other disposal of such product, article, means of conveyance, or plant pest, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States district court, or to the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or plant pest is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoena for witnesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of plant pests new to or not theretofore known to be widely prevalent or distributed within and throughout the United States.

(d) The owner of any product, article, means of conveyance, or plant pest destroyed or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for plant disease and pest control activities of the Department of Agriculture.

SEC. 106. The Secretary may promulgate such regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States, or interstate, and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States,

or interstate, of plant pests, in any situation in which such regulations are not authorized under the Plant Quarantine Act.

SEC. 107. Any properly identified employee of the Department of Agriculture shall have authority to stop and inspect, without a warrant, any persons or means of conveyance moving into the United States, and any plant pests and any products and articles of any character whatsoever carried thereby, to determine whether such persons or means of conveyance are carrying any plant pest contrary to this Act and whether any such means of conveyance, products, or articles are infested or infected by or contains any plant pest or are moving in violation of any regulation under this Act; to stop and inspect, without a warrant, any person or means of conveyance moving interstate, and any plant pests and any products and articles of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, products, or articles are infested or infected by or contains any plant pest or are moving subject to any regulation under this Act, or that such persons or means of conveyance are carrying any plant pest subject to this Act; and to enter, without a warrant, any premises, other than places subject to entry under section 15 of the Plant Quarantine Act, and other than dwelling houses, in the United States to make any inspections and seizures authorized under this Act, upon probable cause to believe that there are on such premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this Act.

SEC. 108. Any person who violates section 103 of this Act, or any regulation promulgated under this Act, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this Act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both.

SEC. 109. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 110. The Act entitled "An Act to provide for regulating, inspecting, cleaning, and when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico," approved January 31, 1942 (56 Stat. 40; U. S. C. 149), is hereby amended by deleting the provision that "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by and under the direction of authorized inspectors of the Department of Agriculture," and by substituting therefore the following: "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture."

SEC. 111. The authority conferred by this Act shall be in addition to authority conferred by other statutes not specifically repealed hereby. Nothing in this Act shall amend or repeal any of the provisions of the Plant Quarantine Act. The Act entitled "An Act to prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose," approved March 3, 1905 (33 Stat. 1269; 7 U. S. C. 141-144), and the Act entitled "An Act to prevent the entry of certain mollusks into the United States", approved September 22, 1951 (65 Stat. 335; 7 U. S. C. 441), are hereby repealed. However, all Acts amended or repealed hereby shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to the defective date of this Act. Nothing contained in this Act shall affect the validity of any findings, regulations, or other orders, permits, or certificates, which were issued under any of the Acts cited in this section prior to the effective date of this Act and which are in effect on said date, but such findings, regulations, other orders, permits, and certificates shall remain in effect unless and until modified in accordance with this Act.

TITLE II—ERADICATION AND CONTROL OF INSECT PESTS, PLANT DISEASES, AND NEMATODES

SEC. 201. Subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed,".

[H. R. 5659, 85th Cong., 1st sess.]

A BILL To facilitate the regulation, control, and eradication of plant pests

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed,".

[H. R. 5689, 85th Cong., 1st sess.]

A BILL To facilitate the regulation, control, and eradication of plant pests

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed,".

[H. R. 5843, 85th Cong., 1st sess.]

A BILL To facilitate the regulation, control, and eradication of plant pests

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed,".

[H. R. 5931, 85th Cong., 1st sess.]

A BILL To facilitate the regulation, control, and eradication of plant pests

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed,".

[H. R. 5948, 85th Cong., 1st sess.]

A BILL To facilitate the regulation, control, and eradication of plant pests

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL PLANT PEST ACT

SEC. 101. This title may be cited as the "Federal Plant Pest Act".

SEC. 102. As used in this Act, except where the context otherwise requires:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Properly identified employee of the Department of Agriculture" means an employee of that Department authorized to enforce the provisions of the Plant Quarantine Act, and wearing a suitable badge for identification, or otherwise properly identified.

(c) "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can

directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(d) "Living stage" includes the egg, pupal, and larval stages as well as any other living stage.

(e) "United States" means any of the States, Territories, or Districts (including possessions and the District of Columbia) of the United States.

(f) "Interstate" means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport or move, or allow to be moved, by mail or otherwise.

(h) "Plant Quarantine Act" means the Act of August 20, 1912 (37 Stat. 315), as from time to time amended (7 U. S. C. 151 and the following).

(i) "Mexican Border Act" means the Act of January 31, 1942 (56 Stat. 40), as from time to time amended (7 U. S. C. 149).

SEC. 103. (a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, or plant pests.

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved.

SEC. 104. (a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is hereby declared to be nonmailable, and will not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except when accompanied by a copy of a permit issued under this Act.

(b) Nothing in this Act shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this Act shall not apply to any employee of the United States in the performance of his duties in handling mail.

SEC. 105. (a) Except as provided in paragraph (c), the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any produce or article of any character whatsoever, or means of conveyance, which is moving into or through the United States, or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest, or which has moved into the United States, or interstate, and which he has reason to believe was infested or infected by or contained any such plant pest at the time of such movement; and any plant pest, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United States, or interstate, in violation of this Act any regulation thereunder: *Provided*, That this paragraph shall not authorize such action with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act.

(b) Except as provided in paragraph (c), the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under paragraph (a), or his agent, to treat, apply other remedial measures to, destroy, or make other disposal of such product, article, means of conveyance, or plant pest, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States district court, or to the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or plant pest is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoena for witnesses who are

required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of plant pests new to or not theretofore known to be widely prevalent or distributed within and throughout the United States.

(d) The owner of any product, article, means of conveyance, or plant pest destroyed or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for plant disease and pest control activities of the Department of Agriculture.

SEC. 106. The Secretary may promulgate such regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States, or interstate, and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests, in any situation in which such regulations are not authorized under the Plant Quarantine Act.

SEC. 107. Any properly identified employee of the Department of Agriculture shall have authority to stop and inspect, without a warrant, any persons or means of conveyance moving into the United States, and any plant pests and any products and articles of any character whatsoever carried thereby, to determine whether such persons or means of conveyance are carrying any plant pest contrary to this Act and whether any such means of conveyance, products, or articles are infested or infected by or contains any plant pest or are moving in violation of any regulation under this Act; to stop and inspect, without a warrant, any person or means of conveyance moving interstate, and any plant pests and any products and articles of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, products, or articles are infested or infected by or contains any plant pest or are moving subject to any regulation under this Act, or that such persons or means of conveyance are carrying any plant pest subject to this Act; and to enter, without a warrant, any premises, other than places subject to entry under section 15 of the Plant Quarantine Act, and other than dwelling houses, in the United States to make any inspections and seizures authorized under this Act, upon probable cause to believe that there are on such premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this Act.

SEC. 108. Any person who violates section 103 of this Act, or any regulation promulgated under this Act, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this Act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both.

SEC. 109. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be effected thereby.

SEC. 110. The Act entitled "An Act to provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico," approved January 31, 1942 (56 Stat. 40; 7 U. S. C. 149) is hereby amended by deleting the provision that "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by and under the direction of authorized inspectors of the Department of Agriculture," and by substituting therefor the following: "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture,".

SEC. 111. The authority conferred by this Act shall be in addition to authority conferred by other statutes not specifically repealed hereby. Nothing in this

Act shall amend or repeal any of the provisions of the Plant Quarantine Act. The Act entitled "An Act to prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose," approved March 3, 1905 (33 Stat. 1269; 7 U. S. C. 141-144), and the Act entitled "An Act to prevent the entry of certain mollusks into the United States", approved September 22, 1951 (65 Stat. 335; 7 U. S. C. 441), are hereby repealed. However, all Acts amended or repealed hereby shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to the effective date of this Act. Nothing contained in this Act shall affect the validity of any findings, regulations, or other orders, permits, or certificates, which were issued under any of the Acts cited in this section prior to the effective date of this Act and which are in effect on said date, but such findings, regulations, other orders, permits, and certificates shall remain in effect unless and until modified in accordance with this Act.

TITLE II—ERADICATION AND CONTROL OF INSECT PESTS, PLANT DISEASES, AND NEMATODES

SEC. 201. Subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed,".

[H. R. 6019, 85th Cong., 1st sess.]

A BILL To facilitate the regulation, control, and eradication of plant pests

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed,".

Mr. ABERNETHY. Now, in addition to the Members of Congress who desire to testify, we will hear this morning from Dr. M. R. Clarkson, Agriculture Research Service. With him is Dr. William L. Popham, of the Agriculture Research Service, and Dr. Richard P. White, the ex-vice president of the American Nurserymen's Association, Inc. Dr. Clarkson, the committee will hear from the Department of Agriculture, particularly on H. R. 3476, a bill which has been requested, and on which the Department made a report on March 15 of this year. At this point the Department report will be incorporated in the record.

(The statement of the Secretary of Agriculture is as follows:)

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 15, 1957.

Hon. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR CONGRESSMAN COOLEY: This is in reply to your request of January 30, 1957, for a report on H. R. 3476, a bill to facilitate the regulation, control, and eradication of plant pests.

The Department favors the enactment of H. R. 3476.

* [The bill would repeal the Insect Pest Act and the Mollusk Act, amend certain provisions of the Mexican Border Act, and clarify and strengthen the authorities now included in the Plant Quarantine Act by (1) requiring permits for the movement of plant pests into or through the United States or from one State, Territory, or district of the United States into or through any other such State, Territory, or district; (2) providing authority for taking emergency action with respect to pests that are new to or not theretofore known to be widely prevalent

or distributed within and throughout the United States; (3) providing for payment of compensation for products, articles, means of conveyance, and plant pests destroyed or otherwise disposed of under certain circumstances; (4) authorizing regulations deemed necessary to prevent the dissemination of plant pests; (5) conferring authority to make necessary inspections to carry out its provisions; and (6) by including the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed," after the phrase "or to prevent or retard the spread of" in subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended.

The Department has been handicapped by certain statutory deficiencies in carrying out the responsibilities to protect the agriculture of this country from introduction, establishment, and spread of pests and diseases injurious to plants and plant products. The proposed bill would provide the authority needed to meet these deficiencies.

H. R. 3476 is similar in substance to S. 3952, which was introduced, at the Department's request, in the last session of the 84th Congress, May 29, 1956, and referred to the Senate Committee on Agriculture and Forestry. The principal differences between H. R. 3476 and S. 3952 are (1) the definition of plant pest is simplified and extended to include parasitic plants and reproductive parts thereof, in addition to bacteria and fungi; and (2) a new section has been added to amend subsection (a) of section 102 of the Department's Organic Act of 1944, as amended, which provides adequate authority for the Department to cooperate with States when necessary to deal with pest problems requiring prompt attention.

It is not believed that the proposed legislation will necessitate additional appropriations.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. T. BENSON, *Secretary*.

Mr. ABERNETHY. Dr. Clarkson, we will be delighted to hear from you and your colleague, Dr. Popham.

STATEMENT OF DR. M. R. CLARKSON, DEPUTY ADMINISTRATOR, AGRICULTURAL RESEARCH SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

Dr. CLARKSON. Mr. Chairman and members of the committee, I am Mr. R. Clarkson, Deputy Administrator, Agricultural Research Service, of the Department of Agriculture.

Accompanying me is Dr. W. L. Popham, Assistant Administrator and I might add one of the most effective agents in the Department, works with the State governments on matters of this kind.

Mr. ABERNETHY. Doctor, would you object to our interrogating as you go along?

Dr. CLARKSON. Not at all.

We, in the Department sincerely appreciate the opportunity you have given us to comment on H. R. 3476 which is designed to facilitate the regulation, control, and eradication of plant pests.

The Department recommends enactment of this legislation.

In administering laws which have been enacted to protect American agriculture from the introduction, establishment, and spread of pests and diseases injurious to plants and plant products, the Department has been handicapped by certain statutory deficiencies. The bill under consideration, H. R. 3476, would provide the authority needed to meet these deficiencies.

The proposed legislation in no way changes the general intent of existing legislation. However, advances in scientific knowledge and the attendant widespread demand for the importation of plant disease

cultures for research and other purposes, together with increases in the volume and speed of present-day commerce have created problems which the Department is handicapped in meeting because of limitations in existing statutes which were considered sufficiently broad and flexible when enacted.

Title I of the bill clarifies and strengthens the authority contained in the Plant Quarantine Act by requiring permits for the movement of plant pests into or through the United States or from one State into or through another State.

Mr. ABERNETHY. Take up the first point you make there where you state—

requiring permits for the movement of plant pests into or through the United States or from one State into or through another State.

What is the object of that? Why would they want to move them at all?

Dr. CLARKSON. Mr. Chairman, there is need to move dangerous pests, dangerous plant disease cultures, nematodes that attack plants, parasitic life of all kinds for study and research.

Mr. ABERNETHY. I see.

Dr. CLARKSON. Our various agriculture research institutions are spread throughout the 48 States and it is important when a pest is known in one part of the country that the institutions in another part of the country prepare themselves and their agriculture to meet it when it does, if it does arrive in their area.

Mr. ABERNETHY. And therefore, they would move a particular pest from State X to State Y for the purpose of doing research work on it in Y, is that right?

Dr. CLARKSON. Right.

Mr. ABERNETHY. And this provides a regulatory method and means of doing it?

Dr. CLARKSON. So that they could be moved safely.

Mr. ABERNETHY. I see.

Mr. CLARKSON. As it is now, our authority permits us to regulate the movement of notoriously injurious insects only and many of these pests we find out are not so notoriously injurious in our conception until they find new areas of our agriculture within which to operate and then they become more damaging than they had been thought to be. So the authority of this bill would permit the safe movement of these things for study and research.

Mr. ABERNETHY. All right.

Dr. CLARKSON. Providing authority to take emergency action with respect to pests that are new to or not theretofore known to be widely prevalent or distributed within throughout the United States.

Mr. ABERNETHY. Would you elaborate on that?

Dr. CLARKSON. If under our current authority we were to seize and cause to be destroyed what appeared to be a dangerous pest, and if a mistake were made and the authority were found by the courts not to cover that action, then the person who was damaged by that action would receive compensation for the value of the product that was destroyed. That would not go to loss of business but to the loss of the article itself. We think that is a safeguard for the public that should be in the legislation.

The proposal provides for the payment of compensation for products, articles, means of conveyance, and plant pests destroyed or other-

wise disposed of if a court rules that such action was not authorized under this bill or under the Plant Quarantine Act.

The Plant Quarantine Act allows us to, after public hearing, issue regulations, regulating or prohibiting the movement of plant pests or things that might carry plant pests after its existence is known in any particular State. There arise circumstances, however, on importation when an unanticipated shipment of plant material or some other commodity is found to carry a dangerous infestation.

Now, if that had not been anticipated there was no way for use to guard against it.

With this legislation, if such an infested article is moving in interstate or foreign commerce, we may then move against it without having to anticipate that particular movement, and authorize regulations deemed necessary to prevent the dissemination of plant pests;

We have under the Plant Quarantine Act authority to board vessels and ships coming into the United States.

That act was written with the mention of conveyance. Today an increasing amount of our traffic is in planes and automobiles and we have felt there was some lack of clarity in the legislation as to the extent of the authority to board those means of conveyance when they come into this country for the purpose of seeing to it that they do not carry infested material.

Mr. ABERNETHY. All right.

Now, what authority do you ask specifically in addition to that which you already have?

For instance, what would be the difference in what you have and what you are seeking? Give us an example.

Dr. CLARKSON. Yes. What we have states that we may enter and inspect vessels, cars, and trucks coming into the United States for the purpose of determining whether they carry pests.

The authority also gives us the power to inspect vehicles moving in interstate commerce when they are known to carry infested materials.

This new legislation would provide for—would broaden the authority for entering all manner of conveyances coming from foreign countries into this country, making it perfectly clear that airplanes and other modes of conveyances are covered and would allow us to inspect modes of conveyance, moving in interstate when there is reason to believe they carry infested material.

Mr. ABERNETHY. The difference then is your present authority, you must know on interstate—and the authority which you seek would give you the power to inspect if you have reason to believe—

Dr. CLARKSON. Yes, sir.

Mr. ABERNETHY. That pests are so being transported?

Dr. CLARKSON. Yes, sir.

Mr. ABERNETHY. Well, it is pretty difficult for you to know absolutely, isn't it?

Dr. CLARKSON. Yes, sir.

Mr. ABERNETHY. And therefore, you met with considerable difficulty in controlling the movement of these pests?

Dr. CLARKSON. That is correct. On importations, we do not have to show reason to believe, and through our Plant Quarantine Service, as an aid to importers, board vessels regularly for infection purposes.

Mr. ABERNETHY. Don't some of the States now have a similar authority within the States? These quarantine inspections, don't they operate under the statutes which permit them to inspect the vehicle or whatever movement of transportation is being utilized just for the purpose of inspecting to determine whether or not the pests are being transported?

Dr. CLARKSON. Most of the States I believe have that kind of authority.

Mr. ABERNETHY. Is that not particularly true in Florida?

Dr. CLARKSON. Yes, sir, it is certainly true and it is true in most of the States for intrastate travel, we are talking here about both interstate and international traffic.

And conferring authority to make necessary inspections to carry out its provisions.

Mr. ABERNETHY. And the authority which you seek is not even as great as some of that which the States now exercise?

Dr. CLARKSON. Yes, that is right.

Mr. ABERNETHY. My purpose in bringing up that is to point out the fact that what you are seeking is a very reasonable thing and certainly a temperate and modest approach.

Dr. CLARKSON. In discharging these responsibilities, the Department now relies on authority contained in the so-called Insect Pest Act of March 3, 1905; Plant Quarantine Act of August 20, 1912 as amended; Mollusk Act of September 22, 1951; and Mexican Border Act of January 31, 1942.

The Insect Pest Act authorizes the Secretary of Agriculture to regulate or prohibit the movement from any foreign country into the United States, or from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, of any insect in a live state which is notoriously injurious to cultivated crops—that is the reference I made a moment ago.

The Plant Quarantine Act imposes certain requirements with respect to the importation of nursery stock, authorizes the Secretary of Agriculture to extend such requirements to the importation of other plants and plant products, and authorizes the imposition of quarantine and restrictions upon the interstate movement of plants, plant products, stone or quarry products, and other articles to prevent the spread of insect infestations or plant diseases.

Under this act inspectors of the Department are authorized to stop and search, without a warrant, persons coming into the United States, and any vehicles, receptacles, boats, ships or vessels, coming from any country or moving interstate, when there is reason to believe that they carry or contain articles the entry or movement of which in interstate or foreign commerce is prohibited or restricted by the act or any order thereunder.

And therein is the reference I made a while ago that the danger of the particular thing must have been anticipated beforehand in formal regulations.

The act further authorizes inspectors of the Department to seize and dispose of any articles found to be moving or to have been moved in interstate commerce, or to have been brought into the United States in violation of the act or such order.

The Mollusk Act prohibits the importation of terrestrial or fresh water mollusks injurious to agriculture, the giant African snail is one

of them. It authorizes regulations governing the inspection and treatment of produce, baggage, salvaged war materials and other goods entering the United States when necessary to prevent the entry of such mollusks.

The Mexican Border Act provides authority to regulate the entry of railway cars and other vehicles, freight, express, baggage and other materials which may carry insect pests and plant diseases, when moving from Mexico into the United States. Provision is made for the disinfection of such vehicles and materials when necessary.

These acts do not provide authority to regulate the movement into or through the United States of insects that might later be found to be injurious to cultivated crops, or of mites, nematodes, protozoa, bacteria, fungi, parasitic plants or reproductive parts thereof, and viruses, which can injure or cause disease or damage in plants or their products.

Mr. Chairman, as we find more and more about the nature of the diseases and pests that attack our agriculture we find that a number of these forms of life that have not been given a great deal of attention in the past such as the nematodes and viruses and forms of protozoa were much more damaging than had previously been supposed.

The Department has recognized the need for such protective measures for some time and has required its own workers to refrain from shipping plant disease organisms except under conditions that would prevent the spread of injurious plant pathogens.

In the absence of such authority many pathologists of the country have voluntarily consulted with the Department before arranging for the importation or interstate shipment of plant disease organisms. However, there is need for statutory authority to regulate the movement of all plant pests not now covered by law.

The legislation under consideration would require permits to bring plant pests into or through the United States or to move them interstate.

By requiring such permits each case would be considered on its merits. Qualified research workers would be allowed to obtain and use material necessary for their investigations under conditions which would prevent the dissemination of plant pests. It would be impracticable to attempt to establish regulations specifying the conditions under which each of the many plant pests might be imported or moved interstate.

It has been the practice in the enforcement of the Insect Pest Act and the Mollusk Act, and in the voluntary efforts to regulate the movement of plant pathogens, to consider each case on its merits, and such procedure has been found satisfactory.

Mr. ABERNETHY. Now, Doctor, how would they go about securing these permits? What authority have you laid down for that? I assume that will be done by regulation. What do you contemplate?

Dr. CLARKSON. We would set up general guides to govern the movements. We would set up as many specific guides as can be anticipated to cover the various kinds of conditions.

We would formulate a form of permit, and then arrange for the person wishing to make the shipment, the college or university or private research institution in most cases or departments of agriculture of the States, to request the permit and we would furnish a form which would provide for the submission of the essential information

and then with the issuance of that permit, the permit or a copy of it ture of the States, to request the permit and we would furnish a form would accompany the shipment across State lines or from a foreign country into this country.

For example the Mediterranean fruitfly, that has been causing so much trouble in the Southeast. We require flies of that kind for study. We want our people to be informed about the fly, its nature and habits and the damage it might do so it can be controlled.

But movements into this country of that fly must be closely restricted and that particular one probably would have to be treated in such a way that it could not reproduce once it was brought into the country.

Others not quite so readily disseminated from the laboratory could be handled without such stringent revisions.

Another deficiency is illustrated by the fact that, except in the case of the Mollusk Act and the Mexican Border Act, existing laws do not authorize emergency action with respect to plant pests and infected or infested products, carriers and articles coming into the country or moving interstate when such movement has not been anticipated and appropriate quarantine action taken.

Authority for taking emergency action with respect to pests that are new to or not widely distributed in this country is urgently needed. For example, on three separate occasions, aircraft have arrived in Hawaii from the Far East heavily infested with a leafhopper which is a known vector of a destructive virus disease of sugarcane that does not now occur in the Hawaiian Islands. The steps necessary to safeguard American agriculture were taken in these instances with the voluntary cooperation of those responsible for the movement. It is hazardous, however, to rely upon the cooperation of the parties involved for such protection, and there is need for legislation providing a legal basis for taking action when necessary.

A few examples will serve to illustrate the kinds of problems encountered.

(1) An empty vessel arrived at New York to load grain for the United Kingdom. The hold was infested with khapra beetle. Through the cooperation of the owner, and at his expense, the vessel was fumigated at a cost of approximately \$3,000.

Neither the Insect Pest Act nor the Plant Quarantine Act contained provisions requiring that this be done. The khapra beetle, as the committee may remember, is a pest that we are fighting in Arizona, California, and New Mexico; it is one which is considered to be very dangerous to our grain and stored-products trade. We are confident it will be eradicated but at the cost of several millions of tax money.

(2) Automobiles that have been driven in Europe are now washed either prior to loading on shipboard or upon the unloading at port of entry to remove soil which may contain cysts of the golden nematode. Through the cooperation of steamship lines, the military, and the owners this is being done on a voluntary basis.

The golden nematode is a cyst-forming eel-like parasite that attacks potatoes. It has been restricted in this country to a few thousand acres on Long Island. There has been a joint Federal-State effort to eradicate it, covering the past 10 years.

There are very stringent recommendations covering the movements of soil that might carry the nematode. It is extremely dangerous, and these comments in the statement are put in on a voluntary basis.

(3) During World War II, crates containing stockpiled mica were being destroyed by woodborers infesting the crating at time of entry. Defense agencies cooperated in eliminating this infestation.

(4) Green pine poles used as center cores for 62 rolls of sheet lead from Belgium were infested with woodborers not known to occur in this country. Through cooperation of the importer the wooden cores were removed from the rolls and burned.

(5) Crates containing farm machinery returned to the United States after storage in South America were infested with a species of termite not known in the United States. Owners voluntarily removed and burned the crates.

Many similar instances have occurred in the past few years where statutory authority to deal with the problem was lacking.

Mr. CHAIRMAN. This attempts to point out, in almost all instances, the persons who are responsible for the cargo are very happy to cooperate, but there are the occasional few who do not understand or who are unwilling to understand the implications involved, and further action would be necessary.

This bill would provide the necessary authority for inspectors of the Department to take appropriate action in such instances or to order the owner of the products, articles, means of conveyance, or plant pests or his agent to do so.

When the court so rules, provision is made for payment of compensation under circumstances referred to above.

In other words, if error has been committed.

The bill confers authority to make necessary inspections to carry out its provisions. In the enforcement of the Plant Quarantine Act and the Insect Pest Act, it has long been the practice for plant-quarantine inspectors to board vessels arriving from abroad to examine them as possible carriers of plant pests. Railway cars and other vehicles from Mexico are similarly examined. More recently there has been need for inspecting aircraft arriving in the United States from foreign countries. The bill would eliminate any question as to whether inspectors are authorized to board aircraft arriving in this country from abroad, as well as other vehicles arriving in this country from abroad.

Mr. ABERNETHY. You do not have any authority now to board an aircraft to make inspections?

Dr. CLARKSON. Well, sir, we do it under the authority of the Plant Quarantine Act which mentions steamships and cars, and we have insisted that the authority was intended to cover other modes of transportation, but that these particular modes could not be spelled out at that time; but there is uncertainty about it and not everyone agrees with our interpretation of the matter, although it has not been challenged in the courts. We are now doing this insofar as international travel is concerned, but we feel that—

Mr. ABERNETHY. Would you have some doubt about your authority to do it if the operator of the airplane or airline refused permission?

Dr. CLARKSON. Yes, sir, with regard to airplanes.

The bill would amend the Mexican Border Act, which requires the cleaning and disinfection of vehicles or materials entering the United States from Mexico, to permit the Department to determine whether the work should be done by an employee of the Department or by the owner of the shipment or his agent.

Present legislation would, by its wording, indicate that the Department should undertake the cleaning and disinfecting. It seems more logical to provide that the Department supervise in most instances.

Enactment of this legislation would have the effect of replacing the existing Insect Pest Act of 1905 and the Mollusk Act of 1951. In other words, the pertinent provisions of those acts are incorporated in the language.

Title II of the bill would amend section 102 of the Department of Agriculture Organic Act of 1944 by broadening the Department's authority to cooperate with the States in the eradication, suppression, control, or prevention of spread of insect pests, plant diseases, and nematodes, including, specifically, the imported fire ant, soybean cyst nematode, and witchweed.

The imported fire ant is so called to distinguish it from species of fire ants somewhat similar in appearance which are native to this country. It has become an extremely destructive and annoying pest in many parts of the South. Although the heavier and more general infestations occur in Alabama, Mississippi, and Louisiana, it has been reported from as far north as Wake County, N. C. and as far west as Harris County, Tex.

It is especially destructive to seed and young plants. It builds unsightly mounds that seriously interfere with harvesting of crops. At times, it is a pest in the home and it often extends its attack to young unprotected animals and poultry. The ants have become a major pest of improved pastures.

The imported fire ant has a painful and lasting sting and is particularly serious when small children are attacked. Anyone who has experienced the sting of these insects is acutely aware of the aptness of the name "fire ant." Because they resemble so closely the native fire ant, they were not recognized as a new introduction for several years. But about 1930 entomologists identified them as a separate species and shortly thereafter undertook investigations which have pointed the way to effective control procedures. It is believed the ants first infested Mobile, Ala., and then spread to other parts of the South by flying and crawling, by hitchhiking on cars, trucks, and trains, and by movement in association with nursery stock.

The soybean cyst nematode is a microscopic eel-like parasitic worm which feeds upon the roots of soybeans. It is now known to occur in New Hanover and Pender Counties, N. C.; Lake County, Tenn.; Pemiscot County, Mo.; and in one field across the line Mississippi County, Ark.

I may say that these infestations are very limited in area insofar as we now know.

MR. ABERNETHY. May I ask a question there?

The Midwest is the heavy soybean producing area. Is this nematode such that it could exist in the climate up there?

DR. CLARKSON. Insofar as we know, and our people feel quite certain of it, this soybean cyst nematode can exist and thrive in any area where soybeans are grown.

MR. ABERNETHY. It is a very dangerous thing, isn't it?

DR. CLARKSON. We certainly think it is.

We have held hearings in the Department to consider quarantines. The idea of quarantines has been supported by the State departments of agriculture witnesses and farm organizations represented.

There are great difficulties involved in such a measure as the nematode will move any place that soil moves. So as a matter of eliminating the movement of soil——

Mr. ABERNETHY. How does it affect the plant?

Dr. CLARKSON. The nematodes live on the roots of the plant and they suck its juices and possibly also exude a chemical substance which tends to slow down the growth mechanism of the plant.

Mr. ABERNETHY. Does it kill the plant?

Dr. CLARKSON. It can kill the plant but usually it does not. It destroys its economic value, however.

Mr. ABERNETHY. Reduces the productive value?

Dr. CLARKSON. In heavily infested fields the production is reduced to nearly zero.

Mr. ABERNETHY. Nearly zero?

Dr. CLARKSON. There are all levels of infestation, of course, but as it builds up it destroys the usefulness of the field for the growth of soybeans.

Mr. ABERNETHY. Have they found a means to combat it?

Dr. CLARKSON. We have fumigants which we know will kill the organism. As its name implies, it is a cyst-forming organism, which means that it forms a protective cyst during the dormant season of the year and there is therefore more difficulty in killing it than one which does not form such cysts.

The eradication of the nematode in infested fields is extremely difficult. We have only had opportunity for the past 2 years to do any work on this problem. We think we have some leads that will lead to means of destroying it in the field. But meanwhile, it is necessary to prevent its further spread and then to take the next steps in eliminating the infestation where it now occurs.

Mr. ABERNETHY. How long has it been known to your Department?

Dr. CLARKSON. It has been known to us for 4 years. It was first found in southeastern North Carolina, in an area of about 1,000 acres. Federal quarantines were not considered to be necessary as the State of North Carolina put into effect quarantines on the premises. It is not an important commercial soybean growing area. It is a bulb-growing area. Means were found whereby the bulbs from that area could be treated and made safe for shipment and they have been shipped without any danger. ✓

Mr. ABERNETHY. Do you have any knowledge of its origin?

Dr. CLARKSON. It originates in the Orient where the soybean plant itself originates. We do not know how it gained entrance into this country. Obviously it came in through some passenger baggage or importation of goods. It is unlikely, we think, that it came in with soybean plants. We think it came in through some other means that carried soil and in turn carried the cyst.

We were surprised a few months ago to find the infestations also in the Tennessee-Missouri-Arkansas corner and that, after that finding, we realized that a great deal more effort was necessary to combat this pest.

We are working closely with the State departments of agriculture and the land-grant colleges of the States infested as well as those of the Midwest where soybeans are grown.

Mr. ABERNETHY. If this thing was first found in North Carolina 2 years ago and you now find it over in the tri-State area of Missouri-Arkansas-Tennessee, it is getting around, isn't it?

Dr. CLARKSON. Yes, sir.

Mr. JONES. Mr. Chairman, there was a suspicion that the soybean cyst nematode came in with bulbs, wasn't there?

Dr. CLARKSON. Yes, there was a suspicion, but that was part of our efforts to look back and try to establish a possible means of it coming in. Of course as that is a bulb-growing area it could have been so.

Mr. JONES. Under what we know about it at the present time, one of the best or most effective means of containing the spread would be by just letting that land lie idle; I believe they told us over in North Carolina that they had found that after a field had not been planted to soybeans or any other host plant, that it apparently would disappear in about 5 years. I know that is not final yet but that was the testimony, I believe, that was given down at the hearing the other day.

Dr. CLARKSON. That is correct, sir. It would appear that at least the populations would be reduced to a very low level. Now, whether it will be complete elimination or not is something we do not know and complete elimination must be the objective in this particular project.

Meanwhile, it is necessary, then, to prevent the movements of soil or soil bearing these parasites.

Mr. JONES. As you say, the soil, but the soybean itself, as a bean, as a grain, as far as we know it, it does not carry—if the grant is cleaned in a normal process, that the nematode would not be transmitted by that—that seems to be the general consensus, I believe.

Dr. CLARKSON. Yes, the soybean itself—that is, the bean, does not carry the infestation. It would carry it only if it were contaminated with soil.

Mr. JONES. Soil, yes.

Dr. CLARKSON. And we are still working with that problem, but so far we have not been able to find any evidence that the beans cleaned in a normal manner do carry the soil.

The movements of beans for seed must be most carefully watched. The movements of beans for pressing is rather easily handled.

Mr. JONES. Yes. I know we were greatly concerned up there. I am from that section of southeast Missouri where this nematode was found. You mentioned a minute ago, Mr. Chairman, about what it did to the plant.

I think a lot of times that when the infested area was there, people were attributing it to, in some areas, just the drought. It had a dying effect there—that it would turn yellow like it would under drought.

However, in certain fields where it would be that way, that is when it became a problem. It is apparent that it would spread unless some measures were taken.

Now, I did not know whether you wanted to get into this discussion at this time or not, but I had been wondering about the possibility or the practicability of including these infested fields, making them available for the soil bank. That is, to take soybean land out of production at that time. Of course, the owner of the land in many instances would not—well, he would at least hesitate and I think would not do it unless

he was required to, not to grow the soybeans unless there was some payment available, either under soil bank or the ACP payment or something like that, which seems to be, from what study I have made of it, the most effective way of preventing the spread.

In other words, you have just got to starve this nematode out. As long as it has nothing to feed on, eventually it will die. We do not know how long the nematode will be capable of existing. Some people say 2 years; some people say 5 years. Of course, we need more research on that.

But I think that the committee, and I hope the Department, also, will give some consideration to whether it would be practical to adopt regulations which would provide payments to those farmers who have fields that are known to be infested, and for leaving those fields out of production at least for a period of time, and to get some type of a payment which would do it.

In that same connection, it might be that on this fire ant business, that that also would be adaptable to this ACP payment, to take that soil and make that one of the practices that would be approved for treating that land.

I think we should at least consider that.

That is all, Mr. Chairman. Thank you.

Mr. ABERNETHY. Doctor, you say this is a microscopic worm and that upon the completion of the life cycle the female produces a protective cyst. I would assume, of course, that that cyst is also microscopic, is it or not?

Dr. CLARKSON. Well, yes.

Mr. JONES. Pardon me. The cyst is about the size of the head of what we call a brass pin, isn't it? So you can see it with the eye, the naked eye.

Dr. POPHAM. That is about right. You can see the cyst with the naked eye, but the cyst contains many eggs.

Mr. ABERNETHY. I understand.

Dr. POPHAM. As they hatch, the nematode itself is microscopic.

Mr. ABERNETHY. Well now, a plant of that kind, if you remove the plant from the ground, what evidence do the roots show of attack?

Dr. CLARKSON. The root system is very greatly abbreviated. The hair roots which are necessary for the process of converting soil nutrients into plant life are greatly depleted.

Mr. ABERNETHY. I see.

Dr. CLARKSON. It is at least through that device, in large part, that the plant is kept from developing to its full usefulness.

These pictures, I think, will illustrate something along that line.

Mr. ABERNETHY. All right. You may proceed, Doctor.

Dr. CLARKSON. An aggressive research program, begun in 1955, to find an effective treatment or eradication measures, includes a study of soil fumigants, crop rotations, and resistant strains of soybeans. The known host range of the soybean cyst nematode includes annual lespedeza, common vetch, and snap beans.

Effort is being made now with the States concerned to further develop this research program through the cooperation of Missouri, Tennessee, Arkansas, and, I believe, Illinois and ourselves. We are pushing forward the search for knowledge.

The witchweed, a parasitic plant which causes severe dwarfing of corn and related plants, does its damage below ground, penetrating the roots and depriving its host of nutrients and water. It is believed to inject into the host-plant roots some substance that interferes with the normal growth of the plants it attacks.

This harmless-looking weed—it seldom grows more than a few inches above ground—is a scourge of corn and sorghum in South Africa and a serious pest of rice, sugarcane, and other crops in the Far East. The Union of South Africa has reported that it does more damage to corn in that country than fungus diseases and insects combined.

Mr. ABERNETHY. In what sections have you located this weed?

Dr. CLARKSON. That is found in southeastern North Carolina and northeastern South Carolina, in adjacent counties, about 5 counties in those 2 States—4 counties in each, I beg your pardon.

Mr. ABERNETHY. Do you think it is possible for it to grow in any section of the country?

Dr. CLARKSON. Any section where corn can be grown, as far as we know, this witchweed will also thrive.

Mr. ABERNETHY. When did you first locate it?

Dr. CLARKSON. This was first located last fall, I believe the month was October, that it was identified. As is the case so many times when these foreign pests do come into this country, they are not seen; they are not identified, and it has gained some establishment before it is recognized.

The farmers in the area, looking back, and the county agent realized that they have had trouble with their corn crop in an increasing amount in quite a number of these fields. They had observed this weed which may grow next to the plant or it may grow out in the center of the row. They did not realize that it was different from any other weed that might grow in the cornfield. It was only this past fall through joint discussions with the research people in North Carolina, our own research people, one of whom had been in Africa and had seen this plant there, and a foreign exchange student who happened to be in the area, together they recognized it for what it was and then as they looked into it, they found that it was this parasitic plant.

Mr. ABERNETHY. Proceed, sir.

Dr. CLARKSON. Our scientists believe that if witchweed became widespread in this country it may destroy more corn than the European corn borer, and its control will be more difficult and costly. Furthermore, it is known to attack summer-grown small grains, sorghum, sugarcane, rice, and some pasture grasses which are widely grown in this country.

The witchweed has caused severe damage in the few cornfields it has infested in the Carolinas. In the same areas it has been found also in fields planted to other crops, along roadsides, and on vacant land. Although witchweed has been observed in association with tobacco, peanuts, beans, peas, sweetpotatoes, and other crops not related to grasses, it does not parasitize these crops and so does them no damage.

Crabgrass or other grasses growing in fields of nonsusceptible crops will cause witchweed seeds to germinate and produce new plants that serve to spread infestation. A single witchweed may produce up to

half a million microscopic seeds. These tiny seeds may be carried by the wind, by movement of the infested soil and by other means. The seeds will not germinate except in association with host plants.

The discussion just previous in regard to alternate host plants has meaning with respect to one of the prospective means of control. These seeds will lie dormant in the soil for many years if no host plant is grown there.

A number of these alternate host plants give hope of a process whereby the seeds may be caused to germinate and then through tillage practices the plant destroyed before it can produce further seeds.

But in any event, it is essential in the areas where this weed exists, that no further of these weeds be allowed to grow above ground and germinate and produce more seeds.

To sum up our views on this legislation, Mr. Chairman, title II of the bill broadens the authority of the Department to cooperate with the States and local groups in the prevention, suppression, control, and eradication of insect plants, plant diseases, and nematodes.

Title I of the bill is a necessary corollary to that authority in that it clarifies and supports the Department's authority to prevent the further introduction of foreign pests into this country and prevent the interstate spread of those which may gain entrance.

In other words, the title I authority is gaged to reduce the number of introductions of foreign pests which require the kind of action and expenditures of public funds which are necessary under title II.

We think the two titles of the bill are equally important.

In the case of the fire ant which has been discussed at great length today, we need this authority in order to be able to work out with the State departments of agriculture, the county and parish governments and the local groups, methods of preventing further spread of, suppression of outlying infestation; then we hope the eventual eradication of the pest. But it will be a long, hard program and this authority is necessary for us to get started.

Mr. ABERNETHY. Doctor, on this fire ant, to what areas in the United States do you think this ant might spread? Climate is the controlling factor, I assume.

Dr. CLARKSON. Well——

Mr. ABERNETHY. To what areas could it spread, I will put it that way. It seems, I think it is very clear from your testimony that witchweed and the soybean cyst nematode can move to any part of the United States where the crops are grown that it attacks.

Now, what do you say about the fire ant?

Dr. CLARKSON. The fire ant has been known to live extremely well in warm or temperate climates. We do not know what the farthest northward spread might be, but it is our belief that it would spread to any part of the United States where farming is conducted; and that is not based on research but is based on observations.

The pest builds enormous colonies or homes which extend not only to a distance of 2 or 3 feet above ground in some instances, but also to an extent of 3, 4, or 5 feet below ground, far below the frost level in our farming areas, in most cases.

So that while its scene of action and the numbers of generations that might be produced in a year would be severely reduced in the northern climates, it is our belief that it could become established and

be a pest of agriculture anywhere in the United States where farming is conducted.

I would like to say that in regard to Congressman Roberts' question earlier about Tennessee, that we do have a map which shows the extreme southwestern corner of Tennessee marked as showing an infestation. Somehow we had not gotten that on our other maps. I cannot account for the discrepancy right now, Mr. Chairman.

Mr. ABERNATHY. Any questions from members of the committee?

Mr. GRANT. Doctor, in the event this legislation is enacted, and of course I appreciate the fact that what you do would be dependent upon local States and local groups, cooperation that your Department receives from them, but could you give us any estimate to the time necessary after legislation were enacted and also appropriations were made, how long before you could move into this situation insofar as fire ants are concerned?

Dr. CLARKSON. Mr. Grant, that is a little difficult to answer but I think that we can give a generally reassuring answer.

The work that has been done, and in cooperation with the States of the South in the control and eradication of the white-fringe beetle, has shown that the same practices which will eradicate the white-fringe beetle will eradicate the fire ant, so that this year we are insofar as we are able, in the direction of the white-fringe beetle program, trying to take in as much fire-ant territory—in other words, the two areas overlap and where we can get both, we will.

The next step beyond that, to move into a program of prevention of further spread of the fire ant is one that has to be worked out step by step with the States.

A beginning was made last week with the State plant board officials meeting in Mobile. We think that it would not take very long to get various provisions into effect.

I am not able to say now just what they would be. They must be worked out reasonably, in such a way as to allow commerce to continue, but still to slow down the spread of this pest.

Then our next effort would be toward the elimination of outlying infestations.

Meanwhile, working with county, parish, and other local governments in the greatest degree of coordinated self help to cut down the effects of the infestations in the heavily infested areas, but our efforts would be aimed at prevention of spread, eradication of outlying infestations, the offering of our services where they are wanted by the States for coordination of local efforts, and the eventual eradication, closing in on it, eradication of the pest.

Mr. GRANT. Just a step further.

May I ask you if you could at this time state what would, if any, be the recommendations of the Department as to cooperative help on the destruction of the areas where they now have the worst infestation? Treatment, I should say, I guess.

Dr. CLARKSON. There is no question about the position of the Department in giving the greatest amount of help that we can within the resources that are available to us. I cannot predict what the attitude would be or what the askings might be for appropriations. That would have to come after a thorough review of the procedures needed and the extent and character of the self help from the States and

local groups. This will require the utmost in efforts on the part of all concerned.

Mr. GRANT. I appreciate that fact. Thank you, sir.

Mr. ABERNETHY. Are there any other questions from members of the committee?

Mr. HEIMBURGER. Dr. Clarkson, you had something to do with a little eradication program in Mexico, did you not?

Dr. CLARKSON. Yes, sir.

Mr. HEIMBURGER. Yes, sir. For those members of the committee who might not happen to know it, Dr. Clarkson has had a large part of the responsibility for the program which eradicated foot-and-mouth disease in Mexico.

I wanted to ask you a question or two about the bill, Dr. Clarkson, H. R. 3476.

At the beginning of page 3, section 104, relating to the mailing of this material, it first says that it cannot be mailed, and then that nothing shall authorize anybody to open any letter or sealed matter to find out whether it is in there or not, and then the subsection (c):

The prohibitions of this Act shall not apply to any employee of the United States in the performance of his duties in handling mail.

What does that all add up to?

Dr. CLARKSON. In the first place, these things cannot be mailed without the accompanying permit which we discussed a while ago.

In (b), our surveillance of that form of shipment must be in accord with the existing postal laws and regulations. We work with the Post Office Department in regard to surveillance of mailings into this country of various prohibited agricultural materials—the virus of foot-and-mouth disease, to revert back to previous discussion.

We have a rather smoothly worked out cooperative arrangement with the Post Office Department. This language was cleared with them.

The item (c), the prohibition of this act shall not apply to any employee of the United States in the performance of his duties in handling mail, it is my understanding that that item is so that an employee of the Department might, in an emergency, handle mail from one place to another without this permit.

Mr. HEIMBURGER. An employee of your department, of the Department of Agriculture?

Dr. CLARKSON. Yes.

Mr. ABERNETHY. John, will you yield there? I think the regulations and laws of the Post Office Department would probably permit them to open the package.

Dr. CLARKSON. That is correct.

Mr. ABERNETHY. What you are trying to do here is to avoid trespassing upon the prerogatives of the post office by the insertion of subsection (b) on page 4.

Dr. CLARKSON. That is right.

Mr. ABERNETHY. As I interpret it, it is the custom and practice for the post-office employee to make an inquiry very frequently, of what the package contains? I think if he has any doubt about it, he would have the right to open.

Dr. CLARKSON. They have certain rights and duties in that connection and as we do now, where we have authority of this kind on im-

ports, to the extent that they apply, we work with the post-office authorities, but they are the ones who have the authority for opening of mail. We work with them giving technical advice as to the disposal of things that are found.

This was intended to indicate that no different arrangement would be employed by this act.

In other words, we do not want authority to go out and tamper with the mails.

Mr. HEIMBURGER. This is, you say, a restatement of the existing law?

Dr. CLARKSON. It is broadened to cover the broadened definition and coverages of this act. That is the reason for its being in here, yes, sir.

Mr. HEIMBURGER. Let us turn to page 9, Doctor, section 110, where you make this amendment to the act approved January 31, 1942.

Now, that is the only amendment made to this Mexican Border Act, is it not, just providing that these inspectors do not have to scrub out the cars themselves.

Dr. CLARKSON. That is right.

Mr. HEIMBURGER. You repeal completely, the act, the Mollusk Act?

Dr. CLARKSON. Yes, sir.

Mr. HEIMBURGER. And the act of March 3, 1905, is in section 111.

Dr. CLARKSON. That is the Insect Pest Act.

Mr. HEIMBURGER. But you do not even amend the Plant Quarantine Act, is that correct?

Dr. CLARKSON. No, sir.

Mr. HEIMBURGER. Just one more thing, Mr. Chairman.

Turning back to page 8, Doctor, in that section at the top of the page, you have authorized an employee of the Department when properly identified, to stop a vehicle and search it without a warrant, to search a person without a warrant, and then you go a little further, over on page 8, and give them authority to enter premises without a warrant, and conduct a search. Do you consider that authority absolutely essential to carrying out this objective?

Dr. CLARKSON. Well, we do. Materials and things are sometimes placed in storage during the course of importation or interstate transport. We have no desire to get into a dwelling house or dwelling houses and areas of that kind as indicated by its limitation.

Mr. HEIMBURGER. Do you have that authority now?

Dr. CLARKSON. In this authority that is spelled out.

Mr. HEIMBURGER. Yes, the search provisions as far as places are concerned.

Dr. CLARKSON. That is another area where it is not spelled out in the current language, Mr. Heimburger.

Mr. HEIMBURGER. Of course, the right of personal property to be immune to search without a proper warrant is one of the basic elements of our, not only of our Constitution, but of our Anglo-Saxon law, and I just wonder.

I would like for you to consider it just very seriously whether you feel you need the broad authority granted here which has been granted only in a very few cases.

Dr. CLARKSON. Yes.

Mr. HEIMBURGER. It has in a few instances been granted to the Immigration Service, for example, and to a few others but then is circumscribed and limited about.

Here you provide that they can enter without a warrant and search a building upon probable cause to believe that there are such, that such means of conveyance, products, or articles are infested or infected by or contains any plant pest or are moving subject to any regulation under this act, or that such persons or means of conveyance are carrying any plant pest subject to this act; and to enter, without a warrant, any premises, other than places subject to entry under section 15 of the Plant Quarantine Act, and other than dwelling houses, in the United States to make any inspections and seizures authorized under this act, upon probable cause to believe that there are on such premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this act.

Could they not go to any United States district court or any court of proper jurisdiction and get a search warrant in a very short time?

It would be only a matter of time, just a matter of a few hours delay.

Might it serve your purpose to provide these officers of yours with authority to serve any warrant properly issued by a court?

Dr. CLARKSON. I would have to discuss that with the General Counsel, Mr. Heimburger. It certainly would be a step further than we now are.

The circumstances under which these needs arises are—an example of this kind—where things are moving by truck.

Mr. HEIMBURGER. I understand that.

Dr. CLARKSON. They go into a shed.

Mr. HEIMBURGER. I understand the help it would be to you if you could go into a building without a warrant and make a search.

Dr. CLARKSON. While one is going off somewhere to find the authorities who are properly constituted to issue the warrant, they move.

Mr. HEIMBURGER. That same reasoning applies to every field of law enforcement you can think of. It would facilitate a great deal of law enforcement if officers were permitted to enter a premise without a search warrant and search for illegal or contraband articles.

Dr. CLARKSON. I recognize the problem and it was given a great deal of attention, and we finally came out with this kind of language with the General Counsel.

I might add that, in the proposed amendment to the Animal Quarantine Acts which were sent forward last year, but was not able to be acted upon by the Department and which I think will be coming forward again, this same arrangement is included, so that whatever we conclude in the one case would be more or less applicable in the other.

Mr. HEIMBURGER. Mr. Chairman, would it be your wish that the General Counsel of the Department and I pursue this subject any further?

Mr. ABERNETHY. Yes; it would.

Now, I think there is good ground for the stopping and searching of a vehicle that is moving in interstate commerce, on probable cause, but I think Mr. Heimburger has raised a very serious question here, that is, the giving of authority to search the premises of a building or warehouse or any stationary object without a search warrant.

He has mentioned some instances where I think he says that is permissible. I did not know it was permissible, that any exceptions had been made to it. I question the constitutionality of such exception.

But the courts have held that statutes which authorize the search of automobiles or trucks, and so on, upon probable cause, without a search warrant is constitutional. And more particularly, that authority exercised back in prohibition days—even in States now and counties now where prohibition is in effect. And I think maybe we had better discuss this with the Solicitor for the Department. We might want to have him up here; I do not know.

Anything else?

Dr. CLARKSON. I would be very happy to take that message back, and we will arrange to get in touch with Mr. Heimburger if that is agreeable.

Mr. ABERNETHY. I assume, Doctor, that in drafting this particular subsection, that the Solicitor's Office was consulted?

Dr. CLARKSON. It was gone into in great detail.

Mr. ABERNETHY. Do you recall whether they raised any serious question about it?

Dr. CLARKSON. That is why the exception in the cases of dwelling houses is made in it.

In reviewing the law, they were of the opinion that that took care of the constitutional difficulty and recognized that this was a rather strong provision in this act.

Mr. ABERNETHY. To what extent would it impair your enforcement of the authority sought by the act if you were required to first obtain a search warrant to search stationary premises? Would you get in trouble with a trailer house that a man called his home if you started to exempt him?

Dr. CLARKSON. Moving in interstate commerce.

Mr. ABERNETHY. He is pulling it behind his car. It is his home.

Dr. CLARKSON. I would be unable to say whether that would be construed as a dwelling house or not, Mr. Congressman.

Mr. ABERNETHY. Let us go back to my question: to what extent do you think it would impair your effective enforcement of the act if you were required to obtain a search warrant to search stationary premises?

Dr. CLARKSON. The other provisions here would be of great help. This one would take care of the circumstances where we had reason to believe, or knew—and oftentimes it is the latter—that we would know, that there has been a movement in interstate, but the truck or other vehicle has come to rest in a garage or a warehouse or some other place, and especially when inspectors are known to be in the area, there is considerable importance attached to the time lost in going after the authority because the object of the search is often lost in that effort.

Mr. ABERNETHY. As I recall, the constitutional provisions in seeking a search warrant require the applicant for the warrant to state not only the place to be searched but the thing to be seized, and how would you know?

Dr. CLARKSON. In some of these cases we would not know.

Mr. ABERNETHY. You would not know.

Dr. CLARKSON. We would have probable cause to believe that among the articles included would be the infestation of this or that pest or disease.

Mr. ABERNETHY. Do you know whether or not any of the agencies of the Government have a similar authority for other purposes?

Dr. CLARKSON. There are some which, Mr. Chairman, exist but which ones they are I am not able to say at the present time. I know that there are some.

Mr. ABERNETHY. I think it would be well when you go back to the Department this afternoon, when time is available, that you discuss this point with the Solicitor's Office. We may want to have him here.

Dr. CLARKSON. Be glad to.

Mr. ABERNETHY. Are there any further questions?

Well, we certainly thank you gentlemen.

Doctor Popham, do you have something to say?

Dr. POPHAM. No, sir; I think it has been very well covered.

Mr. ABERNETHY. You have been most cooperative this morning. You brought us a very interesting statement on a subject that is of itself of considerable interest, and I know it is important to agriculture.

As I understand, this legislation has been drafted by the Department, requested by the Department, and, of course, endorsed by the Department?

Dr. CLARKSON. Yes, sir.

Mr. ABERNETHY. In its entirety.

Dr. CLARKSON. In its entirety; yes, sir. We feel that both sections are very badly needed.

Mr. ABERNETHY. Do you have anything further, Mr. Heimbarger?

Mr. HEIMBURGER. Not at this time, Mr. Chairman.

Mr. ABERNETHY. Thank you, gentlemen.

Dr. CLARKSON. Thank you for the opportunity of appearing, Mr. Chairman.

Mr. ABERNETHY. Dr. White, I am sorry we are a little late. We will be glad to hear you this morning.

STATEMENT OF RICHARD P. WHITE, EXECUTIVE VICE PRESIDENT, AMERICAN ASSOCIATION OF NURSERYMEN

Dr. WHITE. Mr. Chairman, I have a keen interest in the provisions of your bill and the others comparable to it.

Mr. ABERNETHY. Off the record just a minute.

(Discussion off the record.)

Dr. WHITE. Our interest in both titles of this bill stem from our philosophy of protecting the country from invasion of new plant pests—is to tighten up the first line of defense at the borders and the ports of entry. We have always had that position.

Our basic philosophy is that it is much better to prevent the entry of all of these pests by tightening of our first line of defense around the borders as best we can without interfering any more than necessary with international trade, rather than to be lax and let these pests like the soybean cyst nematode, the fire ant from the Argentine, and all the rest of them get in here and then have to spend millions and millions of dollars in the control and eradication programs.

We have gone over this bill last year, or similar bill, with the Department of Agriculture. We are very much in favor of an amendment of the old Plant Pest Act of 1905 which we have felt for a long time has been outdated due to the progress of time, the progress of information on the transportation of these pests, both international and in the state, due to the development of new modes of transportation which are much more rapid than we had in 1905.

This act of 1905 has been due for amendment, I believe, for a long time.

I am quite surprised, Mr. Chairman, there are not more witnesses here outside of the Congress and also of the department interested in this bill.

MR. ABERNETHY. That may have been our own fault, Dr. White. We did not send out extensive notices of the hearings. I did make some inquiries in various sections of the country and I found no objection to it.

DR. WHITE. I want to apologize for my own negligence in not writing to you as I had before because I knew the bill was in. I knew I was going to support it. Due to the pressure of other hearings down here, and one thing and another, I failed to write you before last week.

It might be well, Mr. Congressman, to put a copy of my letter into the record at this point showing our prior interest.

MR. ABERNETHY. Do you have a copy of it? Is that the letter you directed to me?

DR. WHITE. This is the letter I wrote to you under date of March 15.

MR. ABERNETHY. It will be incorporated at this point.

(The letter referred to is as follows:)

MARCH 15, 1957.

HON. THOMAS G. ABERNETHY.

House Office Building, Washington, D. C.

DEAR MR. ABERNETHY: In the 84th Congress we were in support of Senator Ellender's bill, S. 3952, which he introduced by request, to regulate the movement from foreign countries of plant pests. Substantially, this bill incorporated some much needed revisions of the Plant Pest Act of 1905, to bring it up-to-date.

I have been intending to write you for some time concerning your bill in the House, H. R. 3476, which you have introduced for a similar purpose. We have had occasion to compare your bill with Senator Ellender's bill of the last Congress and wish to express to you our support of H. R. 3476.

In view of the recent developments since Senator Ellender introduced his bill, your definition of plant pests which occurs on page 2, lines 4 to 11, is much to be preferred over the previous definition.

Also, it is obvious now that title 2 of your bill is necessary in view of the serious situations that have arisen in regard to the fire ant, soybean cyst nematode, and witchweed.

If public hearings are held on your bill, H. R. 3476, we would like to be listed as wishing to appear in support of it.

Cordially yours,

RICHARD P. WHITE,
Executive Vice President.

DR. WHITE. I know that most of the State regulatory officials in my conversations with them hold the same view I do in regard to the tightening up of this first line of defense we call it.

Anything that would strengthen the Department's hands in arriving at this objective we are for and we always have been; we always will be.

It has been said that one rotten grapefruit is not worth \$10 million eradication program, in discussing the serious situation that exists

now in Florida in regard to this recurrence of the Mediterranean fruit-fly. That is, I think, basically fundamentally sound thinking.

So we are very much in favor of the additional authorities which are given to the Department in title I of this bill. We think they are needed and we have for some time.

Mr. ABERNETHY. Would you say that if we had had that before, title II would hardly have been necessary?

Dr. WHITE. That is quite right. You are absolutely right, not only for the Mediterranean fruitfly but for a lot of other things.

I particularly like, Mr. Chairman, your redefinition of plant pest as it occurs on page 2 of your bill. It covers certain things that have never been covered in the old Plant Pest Act of 1905. And we particularly like the broadened mention of other things in there that we now known are plant pests which, when the 1905 act was passed, we never considered there could be plant pests.

I would like to refer very briefly over here to page 6 and page 7 of your bill, particularly page 7, sections 106 and 107. It gives the Secretary certain authority to promulgate regulations requiring inspection and laying down rules and regulations as conditions of movement interstate, as well as international coming into the United States.

There has been some question in regard to the prerogatives of the States in this very field and in our judgment this is definitely a prerogative of the Federal Government and not a prerogative of the States because, certainly, the Federal Government is responsible for the international trade and they are the only ones who have regulatory authority between the movement in commerce of material between the various States.

Once it arrives in the States, then the State police power, of course, becomes effective.

This bill, title I of the bill, crosses or closes, I should say, several loopholes that we were concerned about and which Dr. Clarkson has adequately explained to you this morning.

In regard to title II of the bill, we are much concerned with the containment or, if possible, if the Department and the Congress deemed it wise, eradication of these three new pests mentioned there.

You might be interested to know that any nurserymen or organization of them would be interested in the fire ant, soybean cyst nematode and the witchweed which do not attack the crops that we grow. Whenever any of these pests becomes established in the United States, the first thing that is regulated in regard to interstate movement is nursery stock because we have a very wide interstate distribution of these commodities from the South to the North and from the East to the West and from the West to the East. We have a bad crosshaul problem.

Nursery stock, much of which is shipped with a ball of earth around the bottom, is an ideal method of distribution of all of these pests. So anything that resides in the soil or can be carried by crops harvested from the soil without special treatment is going to impose upon us, and rightly so—imposes upon us a burden in meeting necessary regulations and new regulations, requirements, new State or domestic Federal quarantines and, of course, add to our burden of doing business.

So we do have a very intense interest in all of these nematodes, and so forth, that infest the soil.

Once the soybean cyst nematode would get into nursery soils, we know immediately that nurserymen would be quarantined or very severely regulated in the movement of their commodity to other sections of the country which are free.

So we have an intense interest in title II, also.

There is one other item I do want to mention in another capacity. I will wear another hat, Mr. Chairman and members of the committee.

I want to go back to your questions in regard to No. 1, which starts on the bottom of page 1 and page 2 of Dr. Clarkson's testimony.

This bill will give authority, which the Department has never had, of regulating the movement of plant pests per se.

In explanation of my second hat that I wear, I might say that I used to be, for many, many years, a plant pathologist at Kansas State and later on at Rutgers before I came down here 19½ years ago.

As a plant pathologist, I could introduce, and I did, in my research work, cultures of fungi which are known to be highly parasitic, because I was engaged in a study at the time of certain diseases of crops, both in Kansas and in New Jersey, and I had to have, I thought I had to have these cultures for the expediting of this research work.

I was permitted to bring those in without regulation. A good example that I thought probably Dr. Popham would mention was the accidental introduction of gypsy moth in New England against which now there is on the way a terrific eradication program.

It was brought in here about 90 years ago, as I recall, by an individual who thought he had a better worm to make silk. It escaped from his laboratories and the result is now we are engaged in the very expensive eradication program. I am convinced it will be successful, but it has been a costly thing.

I am convinced, if the Department of Agriculture had this authority and with our knowledge now of the pest distribution in other countries, that that would never have been permitted to come in here.

I serve still in my professional association on their committee on plant quarantines and regulatory work. This committee has had this matter up at various times and has approved of this authority, which is now going to be granted if this bill becomes law, of the Department of Agriculture in regulating the international and the interstate movement of these plant pests per se. So I would say that the Department is not alone in this request for this additional authority.

Mr. Chairman, we think it is a good bill, and we would support it in the hope that it will soon travel through the Halls of Congress and get on the President's desk for his signature. It does a lot of things that should have been done, I think, years ago.

I appreciate the opportunity being given me this morning of expressing these thoughts of approval of the general tenor of this bill.

Mr. ABERNETHY. We certainly appreciate your appearance, Dr. White, and the support of your industry, I am sure, will enhance the opportunity of passage of the bill.

Are there any questions, gentlemen?

If not, we want to thank you, Dr. White, for your coming this morning.

Dr. WHITE. Thank you, sir.

Mr. ABERNETHY. Mr. Reporter, at this point in the record I would like to insert a statement from the Honorable Carl Elliott, who is a Representative in Congress from the State of Alabama.

(The statement referred to is as follows:)

STATEMENT OF CARL ELLIOTT, SEVENTH CONGRESSIONAL DISTRICT OF ALABAMA

Mr. Chairman, I appreciate this opportunity to present a statement in support of my bill, H. R. 5931, to facilitate the control and eradication of the fire ant.

H. R. 5931 proposes to amend section 102 of the Department of Agriculture Organic Act of 1944 by giving the Secretary of Agriculture the specific authority to initiate control programs for the imported fire ant.

The fire ant is now present in over 50 Alabama counties, and in most of the Southern States. They are an extremely serious pest on many Alabama farms, and cause extensive damage wherever they exist.

The Alabama Department of Agriculture and Industries estimate that the fire ant has already caused \$25 million worth of damage in the State of Alabama.

Mr. G. H. Blake, Jr., assistant entomologist, Alabama Polytechnic Institute, Auburn, Ala., reported in Highlights of Agricultural Research (vol. 3, No. 3, fall 1956): "The fire ant is of economic importance for these reasons: (1) It frequently attacks germinating seed and young, tender plants; (2) it builds unsightly mounds that can damage farm machinery; (3) it interferes with harvest of crops; and (4) its sting causes extreme irritation and may result in death. In fields planted to row crops, the ants sting persons harvesting such crops as strawberries and potatoes. In other fields both the ant and mounds cause concern. The dried mounds can damage cutter bars of mowers and combines. Silage-harvesting machines and combines become clogged with the moist soil from the mounds to the extent that the machines must be stopped for cleaning. The ants attack the operators as they clean machinery."

In recent months, the fire ant has spread over the countryside at a very rapid rate. Individual farmers have, along with the help provided by the State extension service, attempted to control the problem, but the assistance of the United States Department of Agriculture is now needed. There is ample precedent for a program of this type. The Department has, over a period of many years, conducted programs for the control of various pests.

I sincerely hope and I strongly urge that this committee give its early approval to legislation that will give the Department of Agriculture the authority to assist our farmers in combating this pest which threatens to engulf the entire Southland.

Thank you very much, Mr. Chairman.

Mr. ABERNETHY. We will hear from Mr. Roberts.

STATEMENT OF HON. KENNETH ROBERTS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF ALABAMA

Mr. ROBERTS. Mr. Chairman, I appreciate the opportunity to appear here in support of the chairman's bill and other bills that have been introduced in connection with what I believe to be a real menace to agriculture in my State and in about 10 or more other Southern and Southeastern States.

I have no prepared statement, but I certainly feel that the time has come when some emergency action must be taken if we are to control this Argentine fire ant.

Now, as I understand it, this menace is not anything new, having been in our State and in our southland for many years, but I think that it was some time after this ant had been discovered before it was discovered that he was as vicious or as much of a threat to agriculture as he has now proven to be.

Presently the best figures, and these are not up to date, show that we have a total infestation of 13,305,026 acres out of our total land area of 32,689,920 acres.

Now, I understand that one of the witnesses who will appear here this morning, Dr. Clarkson, from the Department of Agriculture, has other figures which show that the infestation is even greater than the figures which I am giving you.

Presently I think that the greatest danger in the agriculture picture is perhaps to the cattle. It seems that we have the condition that when a calf is dropped near one of these hills that in many cases the calf is stung by these things and results, in many cases, in death before the cattleman can get out to get the calf.

Now I have had resolutions and letters from many of the people down in Alabama. I have a statement from the Alabama Cattlemen's Association. They have adopted a resolution to the effect that this is an emergency situation and they think that some kind of a Federal-State program must be worked out in order for us to control it.

One of the difficulties is that the expense of handling this problem is so great as far as the individual farmer is concerned that it is almost prohibitive. We have had estimates ranging anywhere from cost per acre of \$2.50 to, in some cases, as high as \$5 an acre.

That depends on what you use and how you use it, I suppose.

I believe there are three chemicals they have found that will control this ant, one is dieldrin and one is chlordane, and I think the other is heptachlor.

You can see how much of an expense that would be.

I think the average cattleman down our way says it takes about 5 acres for him to graze a brood cow and calf and produce.

When you consider adding in anywhere from \$15 to \$25 for that much poison in controlling this ant, you can see what a tremendous burden it is going to be.

Now, this thing is spreading very fast at this time and between now and May they begin to leave these mounds, the queens do, and swarm and go to the other places and lay eggs and therefore spread this menace.

I think, also, that it has an interstate aspect because of the fact that we already see it in about 10 States of the Union.

I think Dr. Clarkson will have a map which will show how widespread this is. I think other than possibly one State below the Mason-Dixon line, there is only one State that is not affected.

Am I correct in that, Dr. Clarkson?

Dr. CLARKSON. Well, measuring it that way, there is no infestation yet in Tennessee.

Mr. ROBERTS. I think I saw a little bit around Memphis.

Dr. CLARKSON. There are a couple of spots in Arkansas, near Tennessee, but in North and South Carolina there are spots. We do not have any shown on Tennessee.

Mr. ROBERTS. I did check, and I thought I saw some on the map in Memphis.

There are at least 10 States I believe that have anywhere from light to heavy infestation.

There is another thing that I think we might well consider in this picture and that is that these things come from Argentina.

And they come from an area in Argentina, if I understand it correctly, that is pretty much the same kind of temperature that we have even in some of our Northern States, and in Western States, so it is in fact

entirely probable that this thing is not going to confine itself to the Southeast, but it will spread to the Far West and perhaps on through the northern and western part of our country.

It was felt the ant is similar to the boll weevil and was something that we just have to live with, but this is a much more serious problem. I have an article stating that these things just a few days ago attacked three airmen out at Maxwell Field and put them in the hospital. This is an article in the Montgomery Advertiser of March 14, 1957, which I would like to submit for the record.

(The article referred to follows:)

[From the Montgomery Advertiser, March 14, 1957]

MAXWELL REPORTS PLAGUE OF FIRE ANTS; THREE IN HOSPITAL

(By Nelson Cole)

Tales of fire ant damage and injury continued to stream in here yesterday, topped by a report from Maxwell Air Force Base that the problem is becoming "very serious" in that area.

Capt. Warren Papin, base information officer, said a recent survey of the base indicated "there are 150,000 fire-ant mounds on this base" averaging 61 per acre.

He said 5 people have had severe toxic reactions from the ants' bites "and 3 of them required hospitalization." Numerous small pets have been bitten.

"Our biggest concern isn't the vegetation," he said, "but the base's population. Already a serious threat, if left to multiply these ants could become an extremely dangerous health menace to all of our people," Papin said.

Lt. Col. Neal G. MacEachern, base veterinarian, said mechanical fertilizer distributors will be used to spread insecticide in open areas, but ant mounds in the housing areas will be treated by hand.

Papin said he had become "familiar with the fire-ant situation while stationed in Latin America.

"Down there, the pests will sometimes attack huge animals and kill them with multiple bites. Apparently they are meat eaters since the carcasses were stripped," he said.

He said fire ants actually "bite" instead of "sting" like other insects. "Their little pinchers take a chunk out of the skin and at the same time poison is deposited. Soon the bite festers making a small sore."

He compared the bite's pain to that from the sting of a yellow jacket or wasp.

Further reports of destruction from fire ants came from cattlemen and farmers.

C. T. Fitzpatrick of Empire-Rouse Cleaners said he had "2 and possibly 3 calves killed by these pests and stripped clean.

"The cows apparently dropped the calves on or near the mounds and the ants started attacking them immediately," he said.

"I have heard of a little girl here, but cannot recall the name, who was in the hospital for more than a week with a temperature of 106 after having a reaction to the ants' bites."

Richard H. Arrington, Ramer, cattle farmer, said reports of the damage he had heard "were appalling. Economically, even ignoring the personal danger, this thing is getting extremely serious."

He said he had heard reports from all over South Alabama "about the damage and many farmers are going to face ruin if we don't do something—soon."

Mr. ROBERTS. I mentioned the Alabama Cattlemen's Association. I have also had wires and letters from the Farm Bureau group, from various other civic bodies who recognize the tremendous threat throughout Alabama. I would like just for the information of the committee and I am not putting this in the record, but I have some extra copies of newspapers which show what a tremendous threat the fire ant is to us, and I would like to pass those around to the members of the subcommittee, if I may.

Mr. Chairman, that concludes my statement.

Mr. ABERNETHY. Thank you, Mr. Roberts.

Any questions from the members of the committee.

Thank you very much.

STATEMENT OF HON. ROBERT SIKES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. SIKES. Mr. Chairman, my testimony also deals in particular with the control of the fire ants and therefore is limited to one segment of this measure.

I want to express my own personal appreciation for the consideration that you are giving to this matter.

It is of particular importance to Florida, as it is, I believe, to every Southeastern State. And as Mr. Roberts has pointed out in his testimony, it is a pest that can be expected to spread through the greater part of the Nation.

I believe, Mr. Chairman, that this is something that has very nearly slipped up on the blind side of all of us. We have realized that we have this pest, we realized it was spreading, but it is only in the last year or two that we have begun to recognize the seriousness of the threat to realize how rapidly it is spreading and how serious the infestation is becoming in those areas that are already infested.

We have learned that in order for any control measures to be undertaken, it will be necessary to have authorizing legislation and that will require amendment of existing law.

Therefore, in order that we may undertake a general control program we earnestly and respectfully urge approval of this or similar legislation as soon as possible.

Heretofore the control measures have been almost entirely carried on by individuals, each person working as he thought best or with the information he was able to obtain from his agricultural agencies, but that type of control has been very ineffective.

The pest is spreading and spreading rapidly, and infestations are becoming more and more serious and now it is becoming a threat in particular to livestock production.

Details of the damage to the area of infestation will be provided by expert witnesses from the Department, but I would like to assure this committee that we, in the South, consider this a very serious matter. We greatly need the legislation that is proposed. We earnestly hope you can take action within a short time.

If there are any questions, I would be glad to answer them.

Mr. ABERNETHY. Thank you very much, Bob.

I believe, Mr. Boykin, you wanted to make a statement.

STATEMENT OF HON. FRANK W. BOYKIN, A REPRESENTATIVE IN CONGRESS FROM THE FIRST DISTRICT OF ALABAMA

Mr. BOYKIN. I have a statement I am going to put in the record.

Mr. ABERNETHY. Do you want your statement incorporated now?

Mr. BOYKIN. Please.

Mr. ABERNETHY. It will be incorporated in the record at this point.

(Congressman Boykin's statement is as follows:)

STATEMENT OF HON. FRANK W. BOYKIN, FIRST DISTRICT OF ALABAMA

My attention was first called to the fire ant menace in 1948 and with the splendid cooperation of Mr. Bill Ziebach, the outdoors editor of the Mobile Press Register, and our Alabama Senators, and others, we were able to have research work done on the control and eradication of this pest at Spring Hill, Ala. The use of chlordane appeared to be the most effective in destroying individual ant beds; however, other chemicals have also been recommended, such as heptachlor and dieldrine, all three of which chemicals are available in powder form and also in granular form.

In Washington County in my district, the county agent advises that the ants have infested every area in that county. These fire ants are believed to have entered the Alabama area through the port of Mobile in about 1930 and were unnoticed for several years and later identified by entomologists as a separate species. The entomologists say that these ants spread to adjoining counties by flying, on nursery plants, vehicles, and other means. I understand that over 30 counties in Alabama are now infested with these ants which have spread as far north as Wake County, N. C., west to Harris County, Tex., and south through Florida.

Based on the rate of spread of this pest since 1948, if immediate and areawide efforts are not made to control and eventually eradicate this pest, it will eventually spread throughout this country. Not only is the fire ant a major pest of crops, pastures, home gardeus, and lawus, but it is also a menace to the newly born of cattle, sheep, and pigs, and probably wild game, such as deer.

Had the Federal Government stepped in, in 1948, and assisted in controlling this menace, we probably would not have a situation as serious as it is today.

I cannot urge too strongly that an authorization be granted and that funds be appropriated under this authorization of sufficient amount for an areawide campaign of extermination of this pest. Everyone of the counties in my district is badly infested, despite the fact that individual farmers and livestock men have been endeavoring to control the fire ant on their own properties.

While I hesitate to ask the Federal Government to step in, I feel that this is definitely one case where we will have to have Federal assistance if this pest is going to be controlled.

Mr. GRANT. If my colleague will pardon me one minute: You know it is alleged that this thing came in through the port of Mobile.

Mr. ABERNETHY. I think Frank is here to defend himself.

Mr. BOYKIN. Mr. Chairman, he also claims when he is making a speech he is on one side of the river; but he has one side of the port and I have the other and so that is—

Mr. ABERNETHY. He is probably right because I have often understood from you, Frank, that everything began in Mobile.

Mr. BOYKIN. Well, they certainly must be smart if they did come to Mobile.

Mr. ABERNETHY. Wasn't that the original garden of Eden?

Mr. BOYKIN. I am sure it was and it is going to be from now on, and if you do not expect to go to Heaven, just come there because you can go right to Heaven from there.

I called attention to our county agent in 1948 and we had some men to come down there and Mr. Billse, back of the Mobile Register, he took a tremendous interest in it and we had all sorts of tests made at Spring Hill College which our county agent, Mr. Brockway—he is a wonderful man—has done a fine job. They discovered this chlordane.

Now, you know, Tom, you have been down to my place, I believe, we have all sorts of chemical down there—a regular chemical kingdom.

We have chemicals from England, Stauffer Chemicals from France, and Olean Matson, one of the largest in the world and they make a

trainload of chlorine a night and right where these ants are so bad and they are really in every spot in Washington County.

Washington County joints Mobile County. For some reason they are worse in Washington County than Mobile County. Maybe because we have so much pasture land up there.

And they are on nearly every acre up there and it is really a terrible thing. I think it has been covered awfully well and especially the meeting the other day but George Grant and I have talked about it many, many times, but none of us ever realized how serious it was until it just kind of slipped up on us.

If we do not watch out, it is going to cover the whole United States. I understand it is in nine States now. They could not find on the map where it was in Tennessee, but it is in a county in Alabama that joins Tennessee and it just looks like they swarm like bees and go everywhere. They have killed worlds of quail on our place, wild turkeys, and also calves and young deer.

No calf particularly on our place but some of our neighbors.

And it is really a terrible and very important thing. But I have covered some of it in this statement and I would like to put this in at this time and I certainly appreciate your letting me come and talk for my part of the country because something should be done and done at once, and I know you are going to do it.

I know George Grant and all of you are going to do something. If there is anything I can do to cooperate with this committee, I am anxious to do it.

Mr. Bonner is in North Carolina and we are having a committee meeting and he asked me to preside so, if you will excuse me, please.

Mr. ABERNETHY. Thank you, Mr. Boykin.

Mr. DIXON. I have tried to tell my wife stories like you just said about killing quail and deer and so on, but she would never believe me. How on earth did they kill the quail and deer?

Mr. BOYKIN. They kill them while they are very young. If you sit down on most any stump—

Mr. DIXON. I understand the Representative is quite a fisherman, too, and that is what makes me want to question him.

Mr. GRANT. They do not kill the fish?

Mr. BOYKIN. Well, they will soon. They fly now and I expect they will swim, too.

If you set a baby down near one of these stumps, it will get you. I had them get on me just one time before daybreak. I was turkey hunting. I was sitting on a stump and I would not move and they got on me, and everywhere they touch you they blister you and it is really a very serious and terrible thing, and they do get the quail. You tell your wife that.

Mr. ABERNETHY. We will now hear from Congressman Thompson, of Louisiana.

STATEMENT OF HON. T. A. THOMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. THOMPSON. I would not burden your time, Mr. Chairman, nor the members of your subcommittee unnecessarily, I hope, but I do want to associate myself with the remarks made by the witnesses who have testified here this morning in emphasizing the extreme seriousness of this problem.

We are on, I guess, what would be called a danger area where the pest is spreading, and it, in my opinion, is remarkable the extent to which and the speed with which these ants are spreading.

We know it is a matter of record, as Congressman Boykin has said. They are attacking not only game but young calves, they are hurting the livestock tremendously, not only by killing calves but precluding certain areas from being grazed.

I feel the Federal Government should be definitely interested in this program because it is a situation that will affect the entire United States.

Now formerly I remember when I was State budget director for Louisiana to the extent of supervision in the eradication in what was known as the Texas harvester ant which attacked mostly grass crops. This has been controlled very effectively by joint efforts of State and Federal Government and I believe this ant can be controlled if we work together on it and are able to work out some type of program that will be the most effective program.

I am not going further into the type of damage that is being done, and the damage is considerable.

I do want to say, if the legislation such as we have discussed and such as I have introduced, patterned along the same type of thinking that the chairman's bill, was drafted, just the implication of the Federal Government coming into such a program will be most effective at least in my State and I suppose in others.

It has been seen in the matter of control of our sweetpotato we have also the fact that the Department of Agriculture in Washington has a program and participates and coordinates its efforts with the States which is most impressive to the people in their adhering to certain regulations laid down by the Federal Government. I think this is due to the great respect that they have for the Department of Agriculture activities in this type of control.

Unless we can get this Federal participation authorized I am afraid the various States might take different attitudes toward the pest and we will spend many, many more years in trying to control it from one State to the other.

Mr. ABERNETHY. Well, I think you have made a good point, that Federal intervention would bring about a uniform method of control.

Mr. THOMPSON. That is correct.

Mr. ABERNETHY. There would be uniformity in the program.

Mr. THOMPSON. And it is much easier. I have seen some of these regulations enforced from a local level and State level and it is much harder to enforce regulations among people who do not see the danger in this pest, they do not want to listen even to a local authority but if there is a Federal authority, an inspection by the Federal authority, they will be much more careful.

Now the people of Louisiana want, of course, to take care of their fair share of expense in eliminating this piece but we do need the help of the Federal Government in doing it to the greatest extent possible.

I hope that some of the members of your subcommittee can come to Louisiana or Alabama and actually see these anthills. I have seen them.

Mr. ABERNETHY. I saw them myself in Argentina year before last. I understand that is where they came from.

I have a very good idea as to what they can do, and what they are doing. I understand that there may be some Members of Congress going down right away. I do not know. But I understand that is contemplated. It will be impossible for the members of the committee to visit every section where this pest has already made itself known. I think trips are contemplated by some members of the committee.

Mr. THOMPSON. With your permission, Mr. Chairman, I would like to suggest this: That some members of your subcommittee, who perhaps have not seen these ants, visit, say, Alabama where they originated or where they came into the country, purportedly, and where they have extensively reproduced; and then perhaps visit one area of Louisiana which is in the area—not too much far distant—and see the pattern of their extensive migration.

I think it would be very impressive and interesting to them as well and I would be very hopeful that some of the members could come down.

Mr. ANDRESEN. Now this pest has been prevalent for the last 20 years.

Mr. THOMPSON. Twenty or twenty-five years.

Mr. ANDRESEN. What has the State of Louisiana done to control or eradicate the pest?

Mr. THOMPSON. Up until now, I am afraid the State of Louisiana, as perhaps other States, have been in more or less a lethargy and consider it a matter of farm-to-farm control.

Unfortunately, even the Department of Agriculture, the Department here in Washington has not ever taken an attitude that this would be a problem of interstate significance or national significance.

But I believe now that with the extensive spread that has occurred in recent years, they are taking a different attitude and seriously considering this pest to the national economy.

Mr. ANDRESEN. Has anything been done by the county agents in affected parishes of Louisiana?

Mr. THOMPSON. Oh, yes, very definitely.

Indeed they have taught these farmers about the insecticides that can be used to control the pests. However, it has been told to me that the cost would run upward of \$5 an acre which, in many cases, would be prohibitive.

Mr. ABERNETHY. As I understand it, they had not given much attention to it until recently, and only lately have they developed effective poisons. Research is bringing more and more methods of control into being and it is also in recent years that this migration has been so great. Is that not true?

Mr. THOMPSON. That is very true.

Mr. ANDRESEN. Do you regard this pest and dealing with it as a measure of emergency, an emergency situation?

Mr. THOMPSON. I do, sir.

And I am a great believer in preventive medicine and this legislation, if passed, would be preventive medicine to the extent it would stop the spreading of these ants to areas they are not now in.

Indications are they are—I have seen, Mr. Andresen, if I may express it, in one small area, we counted over 80 such anthills on 1 acre of ground.

Now the cattle will not graze there when these ants are prevalent.

Mr. ANDRESEN. And we have anthills in Minnesota, too. They are not exclusive for Louisiana and Alabama. Did it start in Alabama or Louisiana?

Mr. THOMPSON. It is reported that the pest came from—came to Alabama at the port of Mobile from Argentina about 24 years ago and was spread from there by many means. Their own migration, by the trucking of crops, perhaps or dirt.

Mr. ANDRESEN. And propagation.

Mr. THOMPSON. They swarm like bees at certain times of the year.

Mr. ANDRESEN. Do they fly?

Mr. THOMPSON. They fly. Between now and May would be their time to swarm.

Mr. ANDRESEN. That is all, Mr. Chairman.

Mr. THOMPSON. Mr. Chairman, that concludes my testimony.

I am sure that Dr. Clarkson can give you all the results of their surveys on this. I might just mention this that we, in the United States, have been prone to spend billions of dollars in the matter of fighting communism and the results of the atomic bombs and radiation and all, but should we not spend some of our money to protect our country against these parasites. Would it not be funny to spend all these billions of dollars fighting communism and building the atomic bomb and then be eaten up by the Argentine ant.

That is what is going to happen if we do not do something about it.

Mr. ANDRESEN. Well, we have a big budget here.

Mr. THOMPSON. Well, let's give the ants some of it.

Mr. ABERNETHY. Thank you, Mr. Thompson. We will now hear from Congressman Jones, of Alabama.

STATEMENT OF HON. ROBERT E. JONES, EIGHTH DISTRICT, ALABAMA

Mr. JONES. Mr. Chairman and gentlemen of the subcommittee, I come before you at this time to support H. R. 3476, H. R. 5948, and all similar bills now pending before your subcommittee to enable the Department of Agriculture to combat effectively the imported fire ant. I am pleased to join with the other members of the Alabama congressional delegation and my colleagues from any surrounding States who are at this time testifying in support of this proposed legislation.

The time has come when we must combine our forces and present a united effort to control and if possible, to eradicate these insect pests which pose so much danger not only in Alabama but in nine other States of the Union.

The imported fire ants, which entered this country through the port of Mobile about 25 years ago, have staked their claim to thousands of acres in more than 40 Alabama counties. It is estimated that the fire ant has caused damage in Alabama totaling in excess of \$25 million. These insects have now spread to 10 States all the way from Texas to North Carolina and have infested 22 million acres of land.

A short while ago the fire ant invaded across the Tennessee River and struck in Limestone County one of the northern-most counties of Alabama in my congressional district. Here we witnessed one of the best examples of how effective a locality can be in mobilizing its efforts

to meet the fire-ant menace. Responding to a call sent out by County Agent F. K. Agee, scores of Limestone County farmers assembled last Friday morning at the Tanner Schol and conducted an acre-by-acre hunt on "beat 14," a strip of newly infested land south of Athens, Ala. Each mound of fire ants was staked with a red flag as it was found—signaling the location for quick treatment with insecticides.

Noteworthy though such examples of local action as the Limestone County case may be, we cannot solve the problem of fire ants without effective Federal action. In my opinion H. R. 3476 and H. R. 5948 and similar measures point the way toward enabling the United States Department of Agriculture to enter upon the necessary cooperative program with the States to combat this menace.

I want to urge your committee to expedite consideration and action on the measure now before you to combat the fire ant, and I trust that it will be possible for your full Committee on Agriculture to report out a bill on this subject within the near future. Time is of the greatest essence in getting an effective remedial program underway. This is the season of the year in which insecticides can have their greatest effect in exterminating the fire ant. If we do not take courageous action now and let another year elapse, our farmers and cattlemen will suffer increased damages totaling in the millions of dollars, and this peril will spread to other States and portions of the country.

The farmers and cattlemen have already suffered undue hardship due to falling prices and a restricted production. We should not add to their burdens by permitting these insect pests to cause them further damage and loss of property.

Let me urge you gentlemen to report out a bill to meet this problem with dispatch and united effort.

Mr. ABERNETHY. Thank you for your statement. Our next witness will be Congressman Willis of Louisiana.

STATEMENT OF HON. EDWIN E. WILLIS, A REPRESENTATIVE IN CONGRESS FROM THE THIRD CONGRESSIONAL DISTRICT OF THE STATE OF LOUISIANA

Mr. WILLIS. The imported fire-ant problem has grown increasingly serious in Louisiana and I cannot urge too strongly that action be taken by the Federal Government to cooperate with the States in combating this menace.

As the owner of a farm in Louisiana I am personally familiar with the threat that the fire ant offers to agricultural crops, and the urgent need for a coordinated program to meet the situation. I am most hopeful that something can be worked out during this session of Congress. Certainly the problem is one which calls for prompt relief not only from an agricultural standpoint, but because of other circumstances and dangers involved.

In stressing the conditions that have resulted from the depredations of this pest, I would like to insert in the record of these hearings the following telegram from the Governor and commissioner of agriculture in Louisiana and resolutions adopted by the police juries (governing bodies) of the parishes (counties) of St. Martin, Vermilion, and Lafayette, by the Louisiana Sweet Potato Association, and the board of directors of the St. Landry Parish Cattlemen's Association.

(The material referred to is as follows:)

BATON ROUGE, LA., January 28, 1957.

HON. EDWIN E. WILLIS,
Member of Congress,
House Office Building,
Washington, D. C.:

The imported fire ant is now found in practically all Southeastern States and including Texas. It is now known to exist in some 18 parishes of Louisiana, principally in the southern, southeastern, and southwestern sections of the State. It is continuing to spread and populations are increasing in known infested areas. It is definitely a serious pest to agricultural crops and young animal life. It is also a menace to human health. Any financial assistance from the Federal Government will be appreciated and certainly will be devoted to a worthwhile cause.

EARL K. LONG,
Governor.

S. J. McCrory,
Commissioner of Agriculture, State of Louisiana.

RESOLUTION

Whereas the parish of St. Martin is being threatened by the ever-increasing invasion of hordes of what is commonly called the imported fire ant; and

Whereas, these ants multiply with an astonishing rapidity and with equal rapidity spread over a large area within one season; and

Whereas these ants build large hills, seriously interfering with proper use of our lands, and will kill young calves and lambs, as well as kill fruit, shade, and timber trees and nursery stock; and

Whereas it seems evident that unless this ant menace is eliminated, the entire agricultural, dairy, and nursery industry of a great number of parishes now infested by the ants may face bankruptcy; and now, therefore, be it

Resolved by the St. Martin Parish Police Jury in regular session convened, That the Governor and the members of the legislature be urged to use every effort possible to have some type of legislation passed at the next session of the Legislature in an effort to curb the ever-increasing menace of fire ants; Therefore be it

Resolved, That copies of this resolution be sent to Hon. Earl K. Long, Governor; Hon. Robert Angelle, speaker of the house; Hon. Rexford McCullough, State senator; Hon. G. A. Ackal, State senator; Hon. Sidney J. McCrory, commissioner of Agriculture; and to the police juries of the surrounding parishes.

I, Carroll J. Fuselier, secretary of the St. Martin Parish Police Jury, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the St. Martin Parish Police Jury in regular session convened on January 2, 1957, at which meeting a quorum was present.

Given under my official signature and seal of office, this 8th day of February, 1957.

CARROLL J. FUSELIER,
Secretary-Treasurer, St. Martin Parish Police Jury.

RESOLUTION OF VERMILION PARISH FARM BUREAU, ABBEVILLE, LA., FEBRUARY 20, 1957

To Members of Congress and Vermilion Parish Legislators:

Russell Long, E. E. Willis, T. A. Thompson, Senator Allen J. Ellender, State Senator Clifford Gaspard, State Representative Ferry Clark, and Louisiana Farm Bureau.

Whereas during the past 7 years or more the imported fire ants have spread to virtually all sections of Vermilion Parish and the State of Louisiana and is causing severe property damage to crops, pasture, livestock, and is causing discomfort to humans and in many instances the infection caused by their bites require medical attention; and

Whereas the presence of the imported fire ants interferes with cotton, and sugarcane laborers; their mounds make it impossible to mow hay or to mow pastures to control weeds; and

Whereas the infestation of the imported fire ants appear along public roads, drainage ditches, in the marshes as well as in towns, on agricultural land, and wooded areas and are known to gather into a ball and float on water during floods or heavy rain; and

Whereas the imported fire ant is so numerous and are found over such extensive areas and that the mounds are so close together and that the treatment necessary to effectively control this ant is so expensive to individuals due to the nature of the location of the mounds along public roads, canals, etc. and the cost of chemicals recommended to control them is too expensive for individuals to do a good control job;

Therefore, we the board of directors of the Vermilion Parish Farm Bureau recommend that a State and Federal program be initiated immediately to take necessary action to put in an effective control program of the imported fire ants with the view to eventually eradicate this destructive pest.

RESOLUTION

Whereas the parish of Lafayette is being threatened by the ever-increasing invasion of hordes of what is commonly called the imported fire ant; and

Whereas these ants multiply with an astonishing rapidity and with equal rapidity spread over a large area within one season; and

Whereas these ants build large hills, seriously interfering with proper use of our lands, and will kill young calves and lambs, as well as kill fruit, shade, and timber trees and nursery stock; and

Whereas it seems evident that unless this ant menace is eliminated, the entire agricultural, dairy, and nursery industry of a great number of parishes now infested by the ants may face bankruptcy: Now, therefore, be it

Resolved by the Lafayette Parish Police Jury in regular session convened, That the Governor and the members of the legislature be urged to use every effort possible to have some type of legislation passed at the next session of the legislature in an effort to curb the ever-increasing menace of fire ants: Therefore be it

Resolved, That copies of this resolution be sent to Hon. Earl K. Long, governor; Hon. Robert Angelle, speaker of the house; Hon. Rexford McCullough, State senator; Hon. G. A. Ackal, State senator; Hon. Sidney J. McCrory, commissioner of agriculture; and to the police juries of the surrounding parishes.

I, Mrs. Wilfred Lacy, secretary-treasurer, Lafayette Parish Police Jury do hereby certify that the above is a true and correct copy of a resolution adopted by said jury on January 24, 1957.

Mrs. WILFRED LACY,
Secretary-Treasurer, Lafayette Parish Police Jury.

LOUISIANA SWEET POTATO ASSOCIATION,
Lafayette, La., March 6, 1957.

Congressman EDWIN E. WILLIS,
Washington, D. C.

DEAR CONGRESSMAN WILLIS: Quoted below is an extract from the minutes of the 20th annual meeting of the Louisiana Sweet Potato Association held on February 23, at Sunset, La.:

"Whereas the imported fire ant is presenting a serious threat to the Louisiana sweet potato industry and other agricultural crops, and is spreading fast, and

Whereas it is impossible to eradicate the pest on an individual farm basis: Therefore be it

"Resolved, That the Louisiana Sweet Potato Association urge immediate consideration of a statewide program for control and/or eradication of the pest, and urge that the State and Federal funds be made available; be it further

"Resolved, That a copy of this resolution be forwarded to the Louisiana delegation in Congress."

Yours very truly,

CLAUDE ARCENEUX,
Secretary-Treasurer.

ERADICATION OF IMPORTED FIRE ANTS

(Resolution adopted by board of directors of St. Landry Parish Cattlemen's Association at regular meeting of November 13, 1956)

Whereas the imported fire ant has spread to all wards of St. Landry and as time goes by it has become more difficult to control them on an individual basis due to public roads, drainage canals, adjoining properties upon which no attempt has been made to control them; and

Whereas fire ant mounds get larger and higher each year and in pastures and hay fields make it difficult to use mowers, shredders or other types of pasture clipping and/or haymaking equipment, and in some cases has damaged such equipment; and

Whereas there is danger to new born calves if dropped in close proximity to mounds; and

Whereas it has become difficult to keep labor in cotton and sweet potato fields at harvest time because of the fire ants becoming disturbed and attacking persons disturbing mounds; and

Whereas the number of mounds are increasing yearly making it more expensive to use control measures; and

Whereas attempts by farmers on an individual basis has resulted in reinfestation within 2 years from adjoining properties untreated; and

Whereas the program could be worked out perhaps along the same lines of operation as the late tick eradication program: Therefore be it

Resolved, After full discussion of the subject above by the board of directors, and upon proper motion duly seconded, the board unanimously recommends: That the State of Louisiana do appropriate (with Federal aid) money to pay all expenses or cost of control or eradication of imported fire ants throughout the State, regardless of where and upon whose property in the State; it is also

Resolved, That the United States Department of Agriculture be brought into this program with financial, personnel, and equipment help, and

Whereas that this work be done by and under supervision of duly appointed State employees; be it also

Resolved, That copies of this resolution be sent to all lawmaking officials of this State, all police juries, civic or business organizations, all agricultural agencies, educational organizations or groups and all others who may be in a position to assist in the program.

DALTON J. COMEAUX, *Secretary*.

OPELOUSAS, LA.

MR. ABERNETHY. The committee will now hear from Mr. Selden.

STATEMENT OF HON. ARMISTEAD SELDEN, A REPRESENTATIVE IN CONGRESS FROM THE SIXTH DISTRICT OF ALABAMA

MR. SELDEN. Mr. Chairman, I am appearing this morning in behalf of H. R. 5689 and similar legislation that has been introduced in an effort to give the Department of Agriculture the necessary authority to combat the imported fire ant. This insect pest is spreading at an alarming rate throughout the State of Alabama.

As you know, the damage of the fire ant is fourfold:

(1) They frequently attack germinating seed and young plants and newborn animals.

(2) They build unsightly mounds that can damage farm machinery.

(3) They interfere with the harvest of crops.

(4) Their sting causes extreme irritation and may result in death.

Here are three photographs you may be interested in seeing that shows mounds of the fire ant. These mounds vary in height from approximately 6 inches to nearly 2 feet. The ants themselves range in length from one-eighth inch to one-quarter inch.

According to the Department of Agriculture, the imported fire ant is now reported to be in 47 counties in the State of Alabama. The

infestation ranges from the southern part of the State to four counties in the northernmost part that have recently reported a few mounds. The total infested acreage in Alabama is over 13 million acres.

In order to emphasize the rapidity with which the fire ant has increased in the State of Alabama within the past few years, I call your attention to a feature news item that appeared in the March 14, 1957 issue of the Montgomery Advertiser.

The article states that only a few imported fire ant mounds were found at Maxwell Air Force Base in Montgomery 2 or 3 years ago. Now, however, there are more than 150,000 mounds on Maxwell Field. The article further stated that three individuals now are in the base hospital suffering from ant stings. The facts in this newspaper article were supplied by officials at Maxwell Field.

Almost one-third of the acreage infested by the fire ant in Alabama is located in the 8 counties of the 6th Congressional District which I have the privilege of representing.

As of March, 1957 the affected part of my district totals 3,450,928 acres. A county by county breakdown on this infested acreage is included in the following statistical table.

(The table follows:)

*Status of imported fire ant, 6th Congressional District of Alabama*¹

County	Approximate initial date of discovery	Moderate damage first observed	Heavy damage first observed	Acreage as of March 1957
Sumter.....	December 1953.....	1954	1955	584, 060
Greene.....	August 1955.....	(2)	(2)	407, 744
Tuscaloosa.....	1953.....	1954	1957	844, 600
Perry.....	1949.....	1951	1957	450, 080
Bibb.....	1953.....	1956	1957	391, 000
Shelby.....	1955.....	1956	(3)	14, 100
Chilton.....	1953.....	1956	1957	347, 024
Hale.....	1954.....	1956	1957	412, 320
Total.....				3, 450, 928

¹ Information secured from county agricultural agents of respective counties, Mar. 15, 1957.

² Agricultural agent of this county would not make an estimate of damage but said that in 1956 fire ants had become a nuisance to a moderate extent and by 1957 had become an extreme nuisance.

³ Not yet severe.

Classification of type of land affected in Congressional District 6, Alabama

	Acrea
Cultivated.....	629, 350
Open pasture.....	590, 290
Wooded pasture.....	426, 868
Woodland.....	1, 780, 970
City home premises.....	11, 750
Farm home premises.....	11, 700
Total.....	3, 450, 928

NOTE.—Road right-of-ways charged to type of land adjoining.

All county agents of the eight counties of the Sixth Congressional District stated just last week that pastureland grazing has been reduced and that in many fields cloverseed cannot be harvested because of the prevalence of the ant mounds.

Information was supplied that the wheat crop in Chilton County is so badly infested that workers may refuse to go into the fields to

harvest the crop and, in addition, the mounds will offer material obstruction to the use of machinery.

Chilton County is a leading producer of peaches, and it is feared that it will be difficult to secure harvest of the peach crop because of the presence of mounds in the orchards. The mounds and nuisance of the ants to the workers are likely also to have an effect on the harvest of hay, corn and similar crops.

To further emphasize to the committee the seriousness of the fire-ant problem, I want to read to you excerpts from several letters and telegrams I have received.

From Mr. B. P. Livingston, chief of the Division of Plant Industry, State of Alabama, letter of March 8:

In pasturelands we find as many as 225 mounds per acre. These mounds range in size from a few inches in height to 2 feet high. The ants are also in the yards around many homes. We have reports where newly born calves, baby chicks, young squirrels and young birds have been stung to death by these ants. I have had numerous calls from mothers here in Montgomery asking what methods could be used to kill the ants to keep them from stinging their children while playing in their yards. * * * Some few years ago I was told that this inert problem could be controlled by individuals on information from the Extension Service. However, I realize now that it is too big a problem for the individual and am requesting help from the Federal Government. We feel we should have a coordinated control with the Federal Government furnishing leadership. * * *

From the Tuscaloosa county agent, B. R. Holstun, Tuscaloosa, Ala.:

They are becoming a serious threat to our farming operation. Approximately 25 percent of Tuscaloosa County is already infested. We are doing everything we can as Extension Service workers to assist our farmers in the control of these insects. However, much broader control measures will have to be taken before this pest is brought under control. I mean by this that control measures will have to be taken by the State, and Federal Highway Department, the county road departments, city street department, rights of way such as railroad, telephone and powerlines.

From a telegram from board of directors of Montgomery (Ala.) Chamber of Commerce:

This pestilence threatens to become of even more serious economic consequence than the boll weevil and unless immediately controlled and eradicated will envelope the whole United States within a few years. We cannot overemphasize our grave concern over this problem which is beyond the control of the individual farmers and landowners and again we urge your active participation in solving this problem and that you keep us advised of the status of all legislation looking toward control and eradication.

From the Greensboro (Hale County), Ala., Rotary Club:

The infestation of fire ants threatens to destroy the entire economy of this section * * *.

From Attorney Marcus McConnell of Livingston (Sumter County) Ala.:

This is not only a menace to the plantlife but is dangerous to the health of our citizens. The rapid rate at which they are spreading is alarming.

From Clarence A. Latham, Jr., Route 1, Box 18-A Lawley (Bibb County), Ala.:

Dear Sir: The Government should be building almost as big a defense against fire ants as they are the Russians. The ants have already invaded.

From J. J. Parker, Route 2, Box 38, Calera (Shelby County), Ala.:
"Please get us help to control fire ants."

The executive committee of the Alabama Farm Bureau Federation adopted on March 7 a resolution which reads in part:

The tremendous damages being done to our farmland by the imported fire ant has reached the point of becoming a major disaster to the economy and efficiency of our agriculture. The control of these pests is a job of such magnitude that the cooperation of Federal, State, and local governing bodies will be essential to prevent their further spread and to eradicate them from the infested areas. Farmers alone cannot begin to combat this scourge.

The Alabama Farm Bureau, through its committees, officers, and staff has completed an exhaustive preliminary study necessary to develop a program of eradication. We have received wholehearted cooperation from the Extension Service, experiment station, entomologists, USDA specialists, the highway director, various local county governing bodies, the Governor of our State, and many others in position to assist us with this work. As a result of this extensive study, we have come to the conclusion that an eradication program must be initiated with all possible speed, and continue for the necessary time to complete the job. We fully realize and wish that it be thoroughly understood that this will involve considerable outlay of money and materials. However, every day's delay will mean additional damages and added costs of control.

These are excerpts from only a few of the hundreds of letters and telegrams I have received on this subject.

I recently sent out farmers bulletins lists and most of those who have returned the lists to me have ordered the leaflet that deals with fire-ant control. On their order blanks, they write such notes as: "We are especially interested in bulletin No. L-350 or any later information available on fire ants."

Assistant Secretary of Agriculture, E. L. Peterson, pointed out in a letter to me dated February 20, 1957, that efforts of individual property owners to control the ant have not been successful.

The imported fire ant—
he said—

has spread to new areas and is rapidly becoming a major pest of pasture, cultivated crops, poultry, and livestock.

It has become increasingly evident that the United States Department of Agriculture must participate in any effective eradication program. Therefore, so that the Department of Agriculture may move forward as quickly as possible in any efforts that are to be made to eradicate this dangerous pest, I respectfully urge the immediate adoption of H. R. 5689.

Mr. ABERNETHY. Thank you, Mr. Selden.

Any questions?

Mr. BASS. How far does this ant migrate?

Mr. SELDEN. It is my understanding they can go as far north as Canada. They are already in almost every section of the State of Alabama.

Mr. BASS. Of course the main reason I asked was, I have heard nothing from my district which joins Alabama as to the coming in of these ants, but you do know for a fact that they have gone as far north as the Tennessee line?

Mr. SELDEN. That is correct. As a matter of fact, I think Limestone County was reported last week as having the imported fire ants.

Mr. BASS. Are they common to any particular type of soil or plant life?

Mr. SELDEN. No. All types of cropland were involved in the table and presented as part of my statement. In the 3,450,928 acres of

infested lands in the Sixth Congressional District, for example, are found: 600,000 acres of cultivated lands; 590,000 acres of open pasture; 425,000 acres of wooden pasture; 1,780,000 acres of woodlands; city home premises, 11,750 acres; farm home premises, 11,700 acres.

Mr. BASS. According to your testimony, they really increase fast. What is their method of propagation?

Mr. SELDEN. The queen ants lay hundreds of eggs.

However, I do not know what has caused the sudden increase. These pests came into the port of Mobile some years ago. The first sign in my district was in one county in 1949. In several of the other counties there were none until 1953. The first signs of fire ants in a few of my counties were not until 1955.

Moderate damage was not observed in most of the counties until last year and heavy damage not until this year.

Mr. BASS. Is it an airborne ant?

Mr. SELDEN. It is my understanding that the king and queen ants fly. The worker ant does not fly.

Many people think that they are moved long distances by automobiles or some means of transportation, as mounds are almost always found along road rights-of-way and railroad rights-of-way in the infested areas. Possibly the Department of Agriculture will give you more detailed information on the habits of the ants.

I would like to emphasize, however, that they are spreading rapidly and are moving in the direction of Tennessee.

Mr. GRANT. And west.

Mr. SELDEN. Yes.

Mr. ABERNETHY. Just a moment. I understand that you have several insertions that you wish to make.

Mr. SELDEN. They are included in my statement. However, I would like to include also a resolution of the Southern Plant Board at this point in the record.

Mr. ABERNETHY. Very well.

(The resolution follows:)

SOUTHERN PLANT BOARD RESOLUTION

Whereas the imported fire ant, until recently confined to the coastal areas of Alabama, Mississippi, and Louisiana, is becoming a major pest of crops, pastures, home gardens, and lawns in important agricultural areas of the South; and

Whereas the fire ant in addition to destroying sprouting crops and building mounds that severely interfere with harvesting operations, attacks newly born calves, pigs, and other newborn livestock, and wildlife, particularly birds that nest on the ground; and

Whereas control measures applied on an individual property basis have failed to prevent its spread to new areas; and

Whereas the spread of the fire ant into and throughout principal agricultural areas of the United States can be prevented only by the prompt application of suppressive measures; Therefore, be it

Resolved, That the Southern Plant Board recommends immediate steps be taken to initiate a joint Federal, State, and local program leading to the eventual eradication of the imported fire ant; and be it further

Resolved, That the Southern Plant Board requests our Senators and Representatives to support and vote for the Abernethy-Grant-Selden bill or similar legislation, which would authorize the United States Department of Agriculture to cooperate with States in the control and eradication of the imported fire ant, witchweed and soybean cyst nematode.

Mr. DIXON. I have enjoyed your testimony. It is very fine.

Mr. SELDEN. Thank you.

Mr. DIXON. There is evidently widespread public concern in your State about them.

Mr. SELDEN. There is tremendous public concern. Since I returned to Washington in January I have been flooded with letters, telegrams and calls from people who are seriously disturbed about the imported fire ant. This pest is spreading very, very rapidly.

Mr. DIXON. Are you acquainted with individuals in the area who have been fighting it and what success they have had?

Mr. SELDEN. As I pointed out to you, it has just become a serious menace in our particular area.

The Department of Agriculture does have a poison that is effective. I understand. However, it is very expensive to use this poison. If you use it in one area and do not use it in another area, the chances are that the ants will return to the area in time where it has been used. Therefore, it would seem that there will have to be some effective overall means of combating it. The Department of Agriculture has decided that it cannot be successfully controlled without some type of Federal assistance or supervision.

Mr. ABERNETHY. In uniformity as to method and time.

Mr. SELDEN. Yes, sir.

Mr. DIXON. You would have to treat the woodlands, evidently.

Mr. SELDEN. As a matter of fact, there seems to be more infestation in the woodlands than in any other area of my particular section of the State.

Mr. DIXON. Have you heard any figures quoted as to cost of a typical area?

Mr. SELDEN. Yes; I have heard the Department of Agriculture say it would cost from \$5 to \$10 an acre.

Mr. DIXON. Thank you.

Mr. ABERNETHY. Unless sometime in the future help developed through research may provide more economic means. I understand research is being conducted at this time.

Mr. SELDEN. That is correct, Mr. Chairman.

(The following communications were submitted to the subcommittee:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 22, 1957.

HON. HAROLD D. COOLEY,
*Chairman, Agriculture Committee,
House of Representatives, Washington, D. C.*

DEAR CHAIRMAN COOLEY: It is my understanding that H. R. 3476 has recently been reported to the full Agriculture Committee for hearings, and that its successful passage will serve to help eradicate the imported fire ant infestation of the Southern States. I trust you will agree with me that it is imperative the infestation be stamped out as soon as possible.

I am reliably informed that the imported fire ant now infests approximately 13 million acres in Alabama alone, posing a definite threat to the agricultural and livestock industries of that State. Approximately 40,000 acres in Georgia are infested at the present time. The director of the Georgia Department of Entomology is firmly convinced that an all-out State-Federal program aimed at eradication is an immediate necessity.

Favorable committee consideration and support of H. R. 3476 to eliminate this very serious problem now confronting all of the Southern States will be deeply appreciated.

With kindest regards, I am,
Sincerely,

IRIS BLITCH, *Member of Congress.*

SACRAMENTO, CALIF., *March 18, 1957.*

HON. THOMAS G. ABERNETHY,
*Congressional Representative, First Mississippi District,
House Office Building, Washington, D. C.:*

Wish to record earnest support for your H. R. 3476, both for needed adequate authority of USDA in the animal disease and quarantine features and for prevention and eradication of plant pests such as witchweed and soybean cyst nematode.

W. C. JACOBSEN,
*Director, California State Department of Agriculture and Chairman,
Executive Committee National Association State Agriculture Commis-
sioners.*

SACRAMENTO, CALIF., *March 18, 1957.*

HON. THOMAS G. ABERNETHY,
*Congressional Representative, First Mississippi District,
House Office Building, Washington, D. C.:*

Correction telegram by undersigned. Should read plant disease and animal quarantine features instead of animal disease and quarantine features.

W. C. JACOBSEN,
*Director, California State Department Agriculture and Chairman, Ex-
ecutive Committee National Association State Agriculture Commis-
sioners.*

STATE OF OHIO,
DEPARTMENT OF AGRICULTURE,
Columbus, March 22, 1957.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, D. C.*

MY DEAR MR. COOLEY: We are very much interested in H. R. 3476—Mr. Abernethy, now before the 85th Congress. The bill is designed to facilitate the regulation, control and eradication of plant pests:

It proposes to repeal certain existing legislation on the subject to amend and to clarify other Federal statutes, regarding the control of dangerous insects and plant diseases which pose a threat to field, horticultural, ornamental and forestry crops throughout this country.

The enactment of H. R. 3476 would strengthen the language of such legislation so as to expedite the administration and the total effectiveness thereof.

The Ohio Department of Agriculture has cooperated for many years in Federal-State cooperative insect and plant disease programs of this nature, are doing so now and expect to continue in the future. Such projects have involved the expenditure of millions of dollars. The benefits which will accrue, by the enactment of H. R. 3476, will enhance the degree of success attained by these cooperative efforts.

I respectfully urge that you employ your best influences to encourage the passage of this measure.

Sincerely yours,

JAMES R. HAY, *Director.*

Mr. ABERNETHY. Thank you, sir.

There being nothing further to come before the committee at this time, the committee will stand recessed.

(Whereupon, at 12:20 p. m., the committee was adjourned.)

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LEGISLATIVE HISTORY
Public Law 85-36

S. 1442

TABLE OF CONTENTS

Index and summary of S. 1442.	.1
Digest of Public Law 85-36.	.2

INDEX AND SUMMARY OF S. 1442

- Jan. 23, 1957 H. R. 3476 was introduced by Rep. Abernethy and referred to the House Committee on Agriculture. Print of bill as introduced.
- Mar. 1, 1957 S. 1442 was introduced by Sens. Ellender and Long and referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced.
- Mar. 21, 1957 House subcommittee ordered H. R. 3476 reported to the full committee with amendment. Senate committee ordered S. 1442 reported without amendment.
- Mar. 25, 1957 House committee ordered H. R. 3476 reported with amendment.
- Mar. 26, 1957 Senate committee reported S. 1442 without amendment. Senate report 189. Print of bill and report.
- Mar. 29, 1957 Senate passed S. 1442 without amendment.
- Apr. 1, 1957 House committee reported H. R. 3476 with amendment. H. Rept. No. 289. Print of bill and report.
- Apr. 8, 1957 Rules Committee reported resolution for consideration of H. R. 3476. H. Res. 223, H. Rept. No. 309. Print of resolution and report.
- Apr. 11, 1957 House passed H. R. 3476 as reported; subsequently passed S. 1442 inserting language of H. R. 3476. House conferees appointed. H. R. 3476 laid on table due to passage of S. 1442.
- May 8, 1957 Senate concurred in House amendments to S. 1442.
- May 23, 1957 Approved: Public Law 85-36

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DIGEST OF PUBLIC LAW 85-36

PLANT PESTS. Repeals the Insect Pest Act and the Mollusk Act, amends certain provisions of the Mexican Border Act and clarifies and strengthens the authorities now included in the Plant Quarantine Act by requiring permits for the movement of plant pests into or through the United States or from one State, Territory, or District of the U.S. into or through any other such State, Territory, or District; provides authority for taking emergency action with respect to pests that are new to or not theretofore known to be widely prevalent or distributed within and throughout the U. S.; provides for payment of compensation for products, articles, means of conveyance, and plant pests destroyed or otherwise disposed of under certain circumstances; authorizing regulations deemed necessary to prevent the dissemination of plant pests; confers authority to make necessary inspections to carry out its provisions; amends subsection (a) of section 102 of the USDA Organic Act of 1944, as amended, to include the words "insect pests, plant diseases, and nematodes, asuch as imported fire ant, soybean cyst nematode, witchweed, spotted alfalfa aphid" after the phrase "or to prevent or retard the spread of".

85TH CONGRESS
1ST SESSION

H. R. 3476

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1957

Mr. ABERNETHY introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To facilitate the regulation, control, and eradication of plant pests.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—FEDERAL PLANT PEST ACT

4 SEC. 101. This title may be cited as the “Federal Plant
5 Pest Act”.

6 SEC. 102. As used in this Act, except where the con-
7 text otherwise requires:

8 (a) “Secretary” means the Secretary of Agriculture
9 of the United States or any other person to whom authority
10 may be delegated to act in his stead.

11 (b) “Properly identified employee of the Department
12 of Agriculture” means an employee of that Department

1 authorized to enforce the provisions of the Plant Quarantine
2 Act, and wearing a suitable badge for identification, or other-
3 wise properly identified.

4 (c) "Plant pest" means any living stage of: Any in-
5 sects, mites, nematodes, slugs, snails, protozoa, or other in-
6 vertebrate animals, bacteria, fungi, other parasitic plants or
7 reproductive parts thereof, viruses, or any organisms similar
8 to or allied with any of the foregoing, or any infectious sub-
9 stances, which can directly or indirectly injure or cause dis-
10 ease or damage in any plants or parts thereof, or any
11 processed, manufactured, or other products of plants.

12 (d) "Living stage" includes the egg, pupal, and larval
13 stages as well as any other living stage.

14 (e) "United States" means any of the States, Terri-
15 tories, or Districts (including possessions and the District
16 of Columbia) of the United States.

17 (f) "Interstate" means from one State, Territory, or
18 District (including possessions and the District of Columbia)
19 of the United States into or through any other such State,
20 Territory, or District.

21 (g) "Move" means ship, deposit for transmission in
22 the mail, otherwise offer for shipment, offer for entry, im-
23 port, receive for transportation, carry, or otherwise trans-
24 port or move, or allow to be moved, by mail or otherwise.

25 (h) "Plant Quarantine Act" means the Act of August

1 20, 1912 (37 Stat. 315), as from time to time amended
2 (7 U. S. C. 151 and the following).

3 (i) "Mexican Border Act" means the Act of January
4 31, 1942 (56 Stat. 40), as from time to time amended
5 (7 U. S. C. 149).

6 SEC. 103. (a) No person shall knowingly move any
7 plant pest from a foreign country into or through the United
8 States, or interstate, or knowingly accept delivery of any
9 plant pest moving from any foreign country into or through
10 the United States, or interstate, unless such movement is
11 authorized under general or specific permit from the Secretary
12 and is made in accordance with such conditions as the
13 Secretary may prescribe in the permit and in such regula-
14 tions as he may promulgate under this section to prevent
15 the dissemination into the United States, or interstate, of
16 plant pests.

17 (b) The Secretary may refuse to issue a permit for
18 the movement of any plant pest when, in his opinion, such
19 movement would involved a danger of dissemination of
20 such pests. The Secretary may permit the movement of
21 host materials otherwise barred under the Plant Quarantine
22 Act when they must necessarily accompany the plant pest
23 to be moved.

24 SEC. 104. (a) Any letter, parcel, box, or other package
25 containing any plant pest, whether sealed as letter-rate postal

1 matter or not, is hereby declared to be nonmailable, and
2 will not knowingly be conveyed in the mail or delivered from
3 any post office or by any mail carrier, except when accom-
4 panied by a copy of a permit issued under this Act.

5 (b) Nothing in this Act shall authorize any person to
6 open any letter or other sealed matter except in accordance
7 with the postal laws and regulations.

8 (c) The prohibitions of this Act shall not apply to any
9 employee of the United States in the performance of his duties
10 in handling mail.

11 SEC. 105. (a) Except as provided in paragraph (c),
12 the Secretary may, whenever he deems it necessary as an
13 emergency measure in order to prevent the dissemination
14 of any plant pest new to or not theretofore known to be
15 widely prevalent or distributed within and throughout the
16 United States, seize, quarantine, treat, apply other remedial
17 measures to, destroy, or otherwise dispose of, in such manner
18 as he deems appropriate, any product or article of any
19 character whatsoever, or means of conveyance, which is mov-
20 ing into or through the United States, or interstate, and
21 which he has reason to believe is infested or infected by or
22 contains any such plant pest, or which has moved into the
23 United States, or interstate, and which he has reason to
24 believe was infested or infected by or contained any such
25 plant pest at the time of such movement; and any plant pest,

1 product, article, or means of conveyance which is moving
2 into or through the United States, or interstate, or has moved
3 into the United States, or interstate, in violation of this Act
4 or any regulation thereunder: *Provided*, That this paragraph
5 shall not authorize such action with respect to any product,
6 article, means of conveyance, or plant pest subject, at the
7 time of the proposed action, to disposal under the Plant
8 Quarantine Act.

9 (b) Except as provided in paragraph (c), the Secre-
10 tary may order the owner of any product, article, means of
11 conveyance, or plant pest subject to disposal under para-
12 graph (a), or his agent, to treat, apply other remedial
13 measures to, destroy, or make other disposal of such product,
14 article, means of conveyance, or plant pest, without cost to
15 the Federal Government and in such manner as the Secre-
16 tary deems appropriate. The Secretary may apply to the
17 United States district court, or to the United States court
18 of any Territory or possession, for the judicial district in
19 which such person resides or transacts business or in which
20 the product, article, means of conveyance, or plant pest is
21 found, for enforcement of such order by injunction, manda-
22 tory or otherwise. Process in any such case may be served
23 in any judicial district wherein the defendant resides or
24 transacts business or may be found, and subpoena for wit-

nesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of plant pests new to or not theretofore known to be widely prevalent or distributed within and throughout the United States.

(d) The owner of any product, article, means of conveyance, or plant pest destroyed or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury

1 appropriated for plant disease and pest control activities of
2 the Department of Agriculture.

3 SEC. 106. The Secretary may promulgate such regula-
4 tions requiring inspection of products and articles of any
5 character whatsoever and means of conveyance, specified
6 in the regulations, as a condition of their movement into or
7 through the United States, or interstate, and imposing other
8 conditions upon such movement, as he deems necessary to
9 prevent the dissemination into the United States, or inter-
10 state, of plant pests, in any situation in which such regu-
11 lations are not authorized under the Plant Quarantine Act.

12 SEC. 107. Any properly identified employee of the
13 Department of Agriculture shall have authority to stop and
14 inspect, without a warrant, any persons or means of con-
15 veyance moving into the United States, and any plant pests
16 and any products and articles of any character whatsoever
17 carried thereby, to determine whether such persons or means
18 of conveyance are carrying any plant pest contrary to this
19 Act and whether any such means of conveyance, products,
20 or articles are infested or infected by or contains any plant
21 pest or are moving in violation of any regulation under this
22 Act; to stop and inspect, without a warrant, any person
23 or means of conveyance moving interstate, and any plant
24 pests and any products and articles of any character what-
25 soever carried thereby, upon probable cause to believe that

1 such means of conveyance, products, or articles are infested
2 or infected by or contains any plant pest or are moving
3 subject to any regulation under this Act, or that such per-
4 sons or means of conveyance are carrying any plant pest
5 subject to this Act; and to enter, without a warrant, any
6 premises, other than places subject to entry under section
7 15 of the Plant Quarantine Act, and other than dwelling
8 houses, in the United States to make any inspections and
9 seizures authorized under this Act, upon probable cause to
10 believe that there are on such premises any products, articles,
11 means of conveyance, or plant pests regulated or subject to
12 disposal under this Act.

13 SEC. 108. Any person who violates section 103 of this
14 Act, or any regulation promulgated under this Act, or who
15 forges, counterfeits, or without authority from the Secretary
16 uses, alters, or defaces any permit or other document pro-
17 vided for by this Act or the regulations thereunder, shall be
18 guilty of a misdemeanor and shall be punished by a fine not
19 exceeding \$500, or by imprisonment not exceeding one year,
20 or both.

21 SEC. 109. If any provision of this Act or the application
22 thereof to any person or circumstances is held invalid, the
23 remainder of the Act and the application of such provision
24 to other persons and circumstances shall not be affected
25 thereby.

1 SEC. 110. The Act entitled "An Act to provide for
2 regulating, inspecting, cleaning, and, when necessary, disin-
3 fecting railway cars, other vehicles, and other materials
4 entering the United States from Mexico," approved January
5 31, 1942 (56 Stat. 40; 7 U. S. C. 149) is hereby amended
6 by deleting the provision that "the cleaning and disinfection
7 of vehicles or materials necessary to accomplish the purpose
8 shall be carried out by and under the direction of authorized
9 inspectors of the Department of Agriculture," and by substi-
10 tuting therefor the following: "the cleaning and disinfection
11 of vehicles or materials necessary to accomplish the purpose
12 shall be carried out by or under the direction of authorized
13 inspectors of the Department of Agriculture,".

14 SEC. 111. The authority conferred by this Act shall be
15 in addition to authority conferred by other statutes not spe-
16 cifically repealed hereby. Nothing in this Act shall amend
17 or repeal any of the provisions of the Plant Quarantine Act.
18 The Act entitled "An Act to prohibit importation or inter-
19 state transportation of insect pests, and the use of the United
20 States mails for that purpose," approved March 3, 1905
21 (33 Stat. 1269; 7 U. S. C. 141-144), and the Act entitled
22 "An Act to prevent the entry of certain mollusks into the
23 United States", approved September 22, 1951 (65 Stat.
24 335; 7 U. S. C. 441), are hereby repealed. However, all
25 Acts amended or repealed hereby shall be deemed to con-

1 tinue in full force and effect for the purpose of sustaining
2 any action or other proceeding with respect to any right
3 that accrued, liability that was incurred, or violation that
4 occurred prior to the defective date of this Act. Nothing con-
5 tained in this Act shall affect the validity of any findings,
6 regulations, or other orders, permits, or certificates, which
7 were issued under any of the Acts cited in this section prior
8 to the effective date of this Act and which are in effect on
9 said date, but such findings, regulations, other orders, per-
10 mits, and certificates shall remain in effect unless and until
11 modified in accordance with this Act.

12 TITLE II—ERADICATION AND CONTROL OF IN-
13 SECT PESTS, PLANT DISEASES, AND NEMA-
14 TODES

15 SEC. 201. Subsection (a) of section 102 of the
16 Department of Agriculture Organic Act of 1944, as amended,
17 (7 U. S. C. 147a) is hereby further amended by adding
18 after the phrase “or to prevent or retard the spread of”
19 the words “insect pests, plant diseases, and nematodes, such
20 as imported fire ant, soybean cyst nematode, witchweed,”.

A BILL

To facilitate the regulation, control, and eradication of plant pests.

By Mr. ABERNETHY

JANUARY 23, 1957

Referred to the Committee on Agriculture

IN THE SENATE OF THE UNITED STATES

MARCH 1 (legislative day, FEBRUARY 28), 1957

Mr. ELLENDER (for himself and Mr. LONG) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To facilitate the regulation, control, and eradication of
plant pests.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (a) of section 102 of the Department of
4 Agriculture Organic Act of 1944, as amended (7 U. S. C.
5 147a), is hereby further amended by adding after the phrase
6 “or to prevent or retard the spread of” the words “insect
7 pests, plant diseases, and nematodes, such as imported fire
8 ant, soybean cyst nematode, witchweed,”.

A BILL

To facilitate the regulation, control, and eradication of plant pests.

By Mr. ELLENDER and Mr. LONG

MARCH 1 (legislative day, FEBRUARY 28), 1957

Read twice and referred to the Committee on
Agriculture and Forestry

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued March 22, 1957

For actions of March 21, 1957

85th-1st, No. 49

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

CONTENTS

ACP.....1	Fish.....26	Price supports.....40
Adjournment.....15	Flood insurance.....54	Property.....17,47
Anti-dumping.....55	Food donation.....50	Reclamation.....11
Appropriations.....6	Forestry.....19,42,48	Reports.....10
Atomic energy.....57	Holidays.....51	Research.....17,26
Banking.....31	Imports.....48	Rice.....26
Budget.....2,33,37,42	Information.....43	Scientists.....26
Corn.....8,36	Insect control.....4,18	Seeds.....20
Cotton.....27,35	Lands.....5,30,45	Small business.....37
Ranberries.....56	Livestock.....53	Soil conservation.....1,23
Credit unions.....31	Marketing.....3,56	Stockpiling.....27,32
Dairy program.....44	Monopolies.....28	Surplus commodities.....29,50
Depressed areas.....49	Organization.....24	Taxation.....53
Electrification.....13,34	Paperwork.....12	Trade, foreign.....9,29
Expenditures.....25	Personnel.....21,24,46	Water resources.....22
Farm prices.....35	Plant pests.....4,18	Wheat.....14,38
Farm program.....41	Poultry.....7,16	

HIGHLIGHTS: Senate committee ordered reported compulsory poultry inspection bill. Sen. Schoeppel inserted Butz' testimony on operation of Public Law 480. House committee reported bill to continue Federal administration of ACP. House committee reported on Administration plan to improve congressional control of budget. House committee reported Labor-HEW appropriation bill. House committee ordered reported marketing facilities loan bill. (Cont'd page 7).

HOUSE

1. SOIL CONSERVATION. The Agriculture Committee reported with amendment H.R. 1045, to continue Federal administration of the ACP (H. Rept. 214). p. 3705
2. BUDGETING. The Appropriations Committee reported on the administration plan to improve congressional control of the budget (H. Rept. 216). p. 3705
At the end of this Digest is a summary of the report.
3. MARKETING FACILITIES. The Agriculture Committee ordered reported with amendment H.R. 4504, to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities. p. D228
4. INSECT CONTROL. The Research and Extension Subcommittee of the Agriculture Committee ordered reported with amendment to the full committee H.R. 3476, to facilitate the regulation, control, and eradication of plant pests. p. D228
5. PUBLIC LANDS. The Interior and Insular Affairs Committee reported without amendment H.R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the U.S. for military purposes shall not become effective until approved by Act of Congress (H. Rept 215). p. 3705

6. APPROPRIATIONS. The Appropriations Committee reported without amendment H.R. 6287, the Departments of Labor and HEW appropriation bill for 1958 (H. Rept. 217). p. 3705
7. POULTRY INSPECTION. Rep. Dixon expressed satisfaction with the general agreement of witnesses before the Agriculture Committee that compulsory poultry inspection should be administered by this Department, expressed hope for early enactment of this legislation. pp. 3703-04
8. CORN. Rep. Coad requested support of petition to the Secretary to support corn in the commercial corn area at \$1.60 per bushel. p. 3675
9. FOREIGN TRADE. Rep. Lane criticized the lowering of tariff rates on products entering this country in competition with our products. p. 3675
Rep. Bailey criticized the proposed reductions in certain tariff rates to "compensate the United Kingdom and Belgium for the tariff-increase on linen toweling". pp. 3696-97
The Banking and Currency Committee ordered reported H.R. 4136, to extend the period within which the Export-Import Bank may make loans. p. D228
10. REPORTS. This office has received the annual report of the Secretary of the Treasury (H. Doc. 3).
11. RECLAMATION. Agreed to a resolution providing for consideration of H.R. 2146, to amend the Small Reclamation Projects Act so as to retain congressional oversight of the small projects program. p. 3679
12. PAPERWORK MANAGEMENT. Rep. Hays commended Secretary of Defense Wilson's announced elimination of unnecessary reports and the reduction in volume of paperwork, and urged further reductions in Government paperwork. p. 3695
13. ELECTRIFICATION. The Government Operations Committee submitted a report pertaining to private electric utilities organized efforts to influence the Secretary of the Interior (H. Rept. 213). p. 3705
14. WHEAT. Received a Mich. Legislature resolution protesting the proposed revision of official standards for wheat promulgated under the U. S. Grain Standards Act. p. 3706
15. ADJOURNED until Mon., Mar. 25. p. 3705

SENATE

16. POULTRY INSPECTION. Agriculture and Forestry Committee ordered reported a clean bill (in lieu of S. 313, 645, and 1128) to provide compulsory inspection of poultry and poultry products. p. D226
17. PROPERTY; RESEARCH. Agriculture and Forestry Committee ordered reported without amendment, S. 1034, to convey certain research property to the Univ. of Mo. p. D226
18. INSECT CONTROL. The Agriculture and Forestry Committee ordered reported without amendment S. 1442, to aid in the control of plant pests. p. D226
19. FORESTS. The Agriculture and Forestry Committee ordered reported with amendments S. 44, to authorize this Department to exchange certain lands in the Apache National Forest, N. Mex. p. D226

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 26, 1957
For actions of March 25, 1957
85th-1st, No. 51

CONTENTS

Appropriations.....4,55	Farm income.....24	Organization.....47
Auditorium.....19	Farm program.....50	Peanuts.....43
Banking and currency....53	Feed grains.....13	Personnel.....8,36
Budget.....31,57	Flood control.....20	Plant pests.....1
Census.....24	Food, additives.....3,56	Postal increases.....31
Civil defense.....35,48	donations.....45	Potatoes.....54
Committeemen.....49,50	Foreign aid.....26	Poultry.....27
Conservation.....2	Forestry.....34,39,51	Price supports.....23
Corn.....13,29	Freight rates.....25	Property.....38
Correspondence.....25	Housing.....10,37	Reclamation.....33
Cotton.....23	Imports.....40	Research.....17,42
Cranberries.....44	Information.....7,30	Small business.....46
Credit policies.....5	Insect control.....1	Soil bank.....2,13,39,54
Crop insurance.....49	Lands.....15,52	Statehood.....32
Dairy products.....41,42	Legislative program....28	Surplus commodities....45
Deferred grazing.....14	Livestock.....15	Trade, foreign.....11,18
Drought relief.....14	Marketing.....44	Veterans' benefits.....10
Education.....12	Monopolies.....6	Weather.....17
Electrification....9,16,33	Newsprint.....22	Wildlife.....21

HIGHLIGHTS: (See page 7.)

HOUSE

1. INSECT CONTROL. The Agriculture Committee ordered reported with amendment H.R. 3476, to facilitate the regulation, control, and eradication of plant pests. p. D240
2. SOIL BANK. Both Houses received the report of this Department on the conservation reserve program of the soil bank, pursuant to Public Law 540, 84th Congress. pp. 3738, 3836
3. FOOD ADDITIVES. Rep. Burdick urged the appointment of a congressional committee to investigate complaints that poisons are sometimes used in the preparation of foods, drinks, and medicines. p. 3825
4. APPROPRIATIONS. Rep. Ikard criticized the size of the budget and stated that it was the responsibility of Congress to cut it. pp. 3828-30
5. CREDIT POLICIES. Rep. Patman inserted excerpts from recent testimony to support the need for a congressional investigation of national monetary and credit policies. pp. 3831-35

6. MONOPOLIES. Received from the Federal Trade Commission a report, "Industrial Concentration and Product Diversification in the 1,000 Largest Manufacturing Companies, 1950." p. 3836
7. INFORMATION. Both Houses received from HEW a proposed bill to provide for the establishment of a Federal Advisory Council on the Arts; to House Education and Labor Committee and Senate Labor and Public Welfare Committee. pp. 3738, 3836
Passed without amendment H.R. 4813, to extend the life of the District of Columbia Auditorium Commission until the construction of the auditorium has been completed. p. 3786
8. PERSONNEL. Received from the Labor Department a proposed bill to amend the Federal Employees' Compensation Act to provide for judicial review of compensation orders; to Education and Labor Committee. p. 3836
9. ELECTRIFICATION. The Government Operations Committee issued a report pertaining to the availability of power to public preference customers from the Central Valley project (H. Rept. 218). p. 3836
10. HOUSING. Passed with amendments H.R. 4602, to encourage new residential construction for veterans' housing in rural areas and small cities and towns by raising the maximum amount in which direct loans may be made from \$10,000 to \$13,500, to authorize advance financing commitments, and to extend the direct loan program for veterans. pp. 3788-3821
Rejected, 45 to 82, an amendment by Rep. Ayres to permit 5% interest rates on VA direct loans to veterans under the bill. pp. 3815-19
A point of order was sustained against an amendment by Rep. Edmondson to permit the use of not more than 25% of the National Service Life Insurance Fund for purchasing, and making commitments to purchase, loans guaranteed under the bill. pp. 3814-15
11. FOREIGN TRADE. The Banking and Currency Committee reported without amendment H.R. 4136, to extend the period within which the Export-Import Bank may make loans (H. Rept. 221). p. 3836
12. EDUCATION. Rep. St. George spoke in favor of her bill (H.R. 6164) for the establishment of a U. S. Science Academy for the training of scientists and engineers. pp. 3786-87

SENATE

13. CORN. The Agriculture and Forestry Committee ordered reported an original bill providing corn base acreages for 1957, with a 51 million acre base, a 1957 support level for corn outside the commercial area at 82½% of the price in the commercial area without regard to whether support is given to noncompliers in the commercial area, soil bank participation at 15% of the acreage reserve, and a study of feed grains programs to be submitted in 1958. p. D238
Received a Nebr. Legislature resolution pleading with Congress to resolve their differences and offer a corn program to the farmers for 1957, without delay. p. 3743
14. DROUGHT RELIEF. Sen. Johnson spoke in favor of a deferred grazing bill despite rainfall in Texas, and inserted parts of two letters on the state of range land. pp. 3737-8

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued March 27, 1957

For actions of March 26, 1957

85th-1st, No. 52

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

CONTENTS

ACP.....7	Flood control.....8	Personnel.....16,20,27
Appropriations.....2,18,36	Forestry.....13,26	Plant pests.....12
Atomic energy.....24	Humane slaughter.....6	Price supports.....10
Banking and currency...35	Imports.....26	Property.....14,32
Budget.....16,18	Inflation.....16	Public Works.....8,15
Corn.....5,15,23	Information.....29,34	Reclamation.....28
Cost of living.....16	Insect control.....12	River compact.....31
Cotton.....10	Legislative program....15	Statehood.....21
Cranberries.....30	Loans.....25	Surplus commodities....11
Credit policies.....3	farm.....1,16	Taxation.....33
Dairy industry.....22	Natural resources.....4	Trade, foreign.....11,35
Exhibits.....29	Marketing.....30	Veterans' benefits.....25
Farm prices.....9	Minerals.....4,32	Water.....4,8,17
Farm program.....19		

HIGHLIGHTS: Senate committee reported bills to limit price supports on extra-long staple cotton, extend Public Law 480, aid in plant pest control, exchange lands in Apache National Forest, and convey research station to U. of Mo. House debated Labor-HEW appropriation bill. House reported bill to extend FHA loans to desert-land entrymen.

HOUSE

1. FARM LOANS. The Agriculture Committee reported with amendment H.R. 3753, to authorize this Department to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen (H. Rept. 272). p. 3932
2. APPROPRIATIONS. Began debate on H.R. 6287, the Labor-HEW appropriation bill for 1958. pp. 3892-3921, 3924-25
3. CREDIT POLICIES. Rep. Patman spoke in favor of H. Res. 85, to authorize the Banking and Currency Committee to investigate national monetary and credit policies. This measure is to be debated today. pp. 3923, 3930-31, D246
4. NATURAL RESOURCES. Received a Nev. Legislature memorial requesting Interior to accelerate its activities in Nev. in making surveys and collecting information about mineral and water resources. p. 3934

5. CORN. Received a Nebr. Legislature memorial urging the President and Congress to resolve their differences without delay in connection with the corn program to be offered to farmers for 1957 inasmuch as planting season is now at hand and the farmer must know immediately in order to plan his operations accordingly. p. 3934
6. HUMANE SLAUGHTER. Received a local Penna. citizens petition urging the passage of legislation for the use of humane methods in the slaughter of meat animals. p. 3935
7. AGRICULTURAL CONSERVATION PROGRAM. As reported (see Digest 49), H.R. 1045 provides for Federal administration of ACP until such time as plans for State administration are submitted and approved. (Thus the bill would eliminate the necessity of periodic continuations of the authority for Federal administration of the program.)

SENATE

8. WATER RESOURCES; FLOOD CONTROL. Sen. Johnson noted the importance of harnessing rainfall in Texas and inserted an article on the importance of flood detention dams to the flow of underground water. pp. 3839-40
Sen. Mansfield urged passage of S. J. Res. 12, to provide for transfer of right of way for the Yellowtail Dam and reservoir, and inserted his testimony before the Senate Interior and Insular Affairs Committee in support of the bill. pp. 3851-2
Received a N. Mex. House resolution urging a flood control and irrigation dam on the Gallinas River. p. 3841
Sen. Douglas submitted an amendment to S. 497, the public works bill, providing that the President should determine the 25% projects least essential in the national interest and defer them (pp. 3850-1). Sen. Johnson urged consideration of S. 497 on Wed., Mar. 27 (pp. 3853-4). Sen. Byrd announced his opposition to the omnibus public works bill and urged more study on the matter. pp. 3868-9
9. FARM PRICES. Sen. Murray presented a Mont. Legislature resolution urging an investigation of the spread between the price paid for livestock on the hoof and that paid for retail beef by the consumer. p. 3841
10. COTTON. The Agriculture and Forestry Committee reported without amendment S. 812, to freeze the price supports for extra-long staple cotton at 75% of parity (S. Rept. 187). p. 3842
11. FOREIGN TRADE; SURPLUS COMMODITIES. The Agriculture and Forestry Committee reported without amendment S. 1314, to extend the Agricultural Trade Development and Assistance Act of 1954 for one additional year to increase the authorization from \$3 billion to \$4 billion, and to permit barter with certain communist dominated countries (S. Rept. 188). p. 3842
12. INSECT CONTROL. The Agriculture and Forestry Committee reported without amendment S. 1442, to aid in the control of additional plant pests (S. Rept. 189). p. 3842
13. FORESTS. The Agriculture and Forestry Committee reported with amendments S. 44, authorizing this Department to exchange certain lands in the Apache National Forest, N. Mex. (S. Rept. 190). p. 3842

FIRE ANT ERADICATION

MARCH 26, 1957.—Ordered to be printed

MR. ELLENDER, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 1442]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 1442) to facilitate the regulation, control, and eradication of plant pests, having considered the same, report thereon with a recommendation that it do pass without amendment.

GENERAL STATEMENT

This bill would amend subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended, to include "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed,".

The need for this legislation was presented by Dr. M. R. Clarkson, Deputy Administrator, Plant Pest Control Division, of the Agricultural Research Service, as outlined below.

S. 1442 would broaden the Department's authority to cooperate with the States and localities in the control, eradication, and prevention of spread of insect pests, plant diseases, and nematodes. The bill names the imported fire ant, soybean cyst nematode, and witchweed as examples of the kinds of pests intended to be covered by the legislation. These are in addition to a long list of plant diseases and pests already listed in the Department of Agriculture Organic Act which this legislation would amend.

The imported fire ant is an ant which came into this country from South America about 30 years ago at the port of Mobile, Ala. It was recognized as a destructive insect, but the means were not at hand for prevention of spread and eradication. Accordingly, State and Federal effort was directed toward research to determine ways of controlling the

pest, and the resources of the State and Federal extension services were enlisted to distribute the information obtained from this research to the farmers and other landowners so that they might keep down the infestations on their properties. The research has been successful, and the field experience with the measures used to eradicate the white-fringed beetle in some of the Southern States have shown that the same measures using granulated dieldrin, chlordane, or heptachlor are effective to eradicate the imported fire ant. However, the measures are expensive, costing about \$5 per acre, and it is necessary to treat rather large blocks of infested land to get adequate protection. If only small spotted areas are treated, the ants soon return from surrounding areas that were left untreated.

During the intervening years since the pests came into this country, it has gradually spread until it now extends from eastern Texas to North Carolina with the heaviest infestations in Alabama, Mississippi, and Louisiana. Because of the high cost of the treatment and the lack of area controls, especially in low-value lands, the efforts of individual landowners have not been sufficient to hold the ant in check. The past 2 years have brought a great increase of the ants in the infested areas. It is feared that this enormous population buildup will accelerate the rate of spread into new areas if something is not done to prevent it.

From what is known about the imported fire ant, it seems likely that its spread into areas of the country where colder winter weather prevails will be slower than it has been in the South, but that is no reason to believe that the ant will not survive in any of the farming regions of the United States if the infestation becomes established there during the warm months of the year. The large mounts constructed by the ants, often 1 to 3 feet above ground and as much as 4 to 5 feet below ground, provide protection against the elements even in areas where winters are quite severe. The shorter growing season and the consequent reduction in the number of generations produced per year in colder areas of the country would undoubtedly reduce the damage done by the ant in such areas, but would not eliminate them.

The problem of dealing with these ants is one that has to be worked out very carefully with the State departments of agriculture and State plant boards, the county and parish governments, municipal governments, and local groups of landowners with a view to enlisting the support and assistance in both services and finances from all such groups. The Department would endeavor to coordinate such work, to contribute to the efforts to prevent further spread, to eliminate outlying infestations, and to assist in the gradual suppression of the pests in the heavily infested areas with a view to final eradication of the imported fire ant in this country.

The witchweed is an introduced parasitic plant which infests corn and related plants, doing its damage below ground by penetrating the roots of the host plant and stealing from the host its nutrients and water. It is a harmless look-

ing weed when seen in the field, but it dwarfs the grain plants and greatly reduces the yield, making the crop uneconomic.

The witchweed is now known to exist only in 4 counties of North Carolina and 4 adjacent counties in South Carolina. Federal quarantines to prevent further spread are under consideration.

The soybean cyst nematode exists in limited areas in North Carolina, northwestern Tennessee, southeastern Missouri, and northeastern Arkansas. Federal quarantine to protect against the spread of this pest is also under consideration. As far as is known, the soybean cyst nematode is a menace to soybeans wherever they may be grown in this country and in like manner, the witchweed is a menace to corn wherever corn is grown.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

DEPARTMENT OF AGRICULTURE ORGANIC ACT OF 1944, AS AMENDED

SEC. 102. (a) The Secretary of Agriculture either independently or in cooperation with States or political subdivisions thereof, farmers' associations, and similar organizations, and individuals, is authorized to carry out operations or measures to eradicate, suppress, control, or to prevent or retard the spread of *insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed, Japanese beetle, sweetpotato weevil, Mexican fruitflies, citrus canker, gypsy and brown-tail moth, Dutch elm disease, phony peach and peach mosaic, cereal rusts, corn borer, pink bollworm and thurberia weevil, citrus blackfly, white-fringed beetle, wheatstem sawfly, oriental fruit-fly, and Hall scale: Provided, That the Secretary of Agriculture is further authorized to cooperate with the Government of Mexico or local Mexican authorities in carrying out necessary surveys and control operations in Mexico in connection with the eradication, suppression, control, and prevention or retardation of the spread of Mexican fruitflies, citrus blackfly and pink bollworm and thurberia weevil. In performing the operations or measures herein authorized, the cooperating foreign country, State, or local agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country or State other than those owned or controlled by the Federal Government and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary. As used in this section, the term "State" includes the District of Columbia and the Territories and possessions of the United States.*

Calendar No. 184

85TH CONGRESS
1ST SESSION

S. 1442

[Report No. 189]

IN THE SENATE OF THE UNITED STATES

MARCH 1 (legislative day, FEBRUARY 28), 1957

Mr. ELLENDER (for himself, Mr. LONG, Mr. SPARKMAN, Mr. STENNIS, and Mr. HILL) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

MARCH 26, 1957

Reported by Mr. ELLENDER, without amendment

A BILL

To facilitate the regulation, control, and eradication of
plant pests.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (a) of section 102 of the Department of
4 Agriculture Organic Act of 1944, as amended (7 U. S. C.
5 147a), is hereby further amended by adding after the phrase
6 “or to prevent or retard the spread of” the words “insect
7 pests, plant diseases, and nematodes, such as imported fire
8 ant, soybean cyst nematode, witchweed,”.

85TH CONGRESS
1ST SESSION

S. 1442

[Report No. 189]

**A
B I L L**

To facilitate the regulation, control, and eradication of plant pests.

By Mr. ELLENDER, Mr. LONG, Mr. SPARKMAN,
Mr. STENNIS, and Mr. HILL

MARCH 1 (legislative day, FEBRUARY 28), 1957

Read twice and referred to the Committee on
Agriculture and Forestry

MARCH 26, 1957

Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 1, 1957
For actions of March 29, 1957
85th-1st, No. 55

CONTENTS

Adjournment.....7,26	Food distribution.....24	Public Law 480.....12,25
Appropriations.....1	Foreign aid.....3	Reclamation.....22,33
Assistant Secretary.....19	Forestry.....10,34	Research.....20,42
Auditorium.....23	Insect control.....9	stations.....10,21
Budget.....1,25,30	Lands.....6,10	Rural libraries.....1,29
Columbia River.....14	Legislative program.....6,25	School lunch.....43
Conservation.....16	Livestock.....37	Small business.....41
Corn.....13	Management.....5	Stockpiling.....32
Cotton.....8	Natural resources.....4	Surplus commodities.....12
Depressed areas.....11	Organization.....5	Taxation.....35
Drought areas.....22	Personnel.....20	Textiles.....39
Education.....1,38	Plant pests.....9	Trade, foreign.....12
Electrification.....33	Postal rates.....18	Transportation.....35
Federal aid.....27	Poultry.....37,40	Water, rights.....15
Flood control.....17	Price supports.....8	research.....28
Flood insurance.....36	Property.....21,35	Wheat.....2,31

HIGHLIGHTS: (See page 6).

HOUSE

1. APPROPRIATIONS. Continued debate on H.R. 6287, the Labor-HEW appropriation bill for 1958 (pp. 4203-22). Rejected, 71 to 94, an amendment by Rep. Hiestand to reduce from \$5,000,000 to \$3,000,000 funds for grants to States for rural library services (pp. 4210-22). On a point of order language was stricken from the bill to permit unused allotments to States for vocational education to be reapportioned among other States (pp. 4209-10).
The Appropriations Committee reported without amendment H.R. 6500, the D. C. appropriation bill for 1958 (H. Rept. 288). p. 4203
Rep. Brownson discussed the results of a newspaper poll relative to where cuts should be made in the budget. pp. 4223-24
2. WHEAT. Rep. McGovern urged the President to sign H.R. 323, to continue increased allotments for durum wheat, "in spite of reports that the Department of Agriculture is opposed to the bill." pp. 4202-03
3. FOREIGN AID. Rep. Sadlak spoke in favor of economic aid to Poland without further delay. p. 4203

4. NATURAL RESOURCES. Received a Utah Legislature memorial urging the President and Congress to assert their constitutional authority in the conservation and development of land and water resources. p. 4229
5. ORGANIZATION; MANAGEMENT. Received an Ind. Kiwanis Club petition in support of congressional consideration of the report of the Second Hoover Commission. p. 4229
6. LEGISLATIVE PROGRAM. Rep. McCormack announced that the Consent Calendar will be called today and that the military land withdrawals bill will be considered later in the week. pp. 4222-23
7. ADJOURNED until Mon., Apr. 1. p. 4228

SENATE

8. COTTON. Passed without amendment, S. 812, to freeze price supports for extra-long staple cotton at 75% of parity. Sen. Ellender explained the purpose of the bill and inserted Secretary Benson's report of Mar. 15 in support of the bill. pp. 4251-2
9. INSECT CONTROL. Passed without amendment S. 1442, to amend the 1944 Organic Act to include new plant pests. Sen. Ellender inserted Dr. Clarkson's statement before the committee in support of the bill. pp. 4252-3
10. FORESTS. Passed as reported S. 44, to authorize the exchange of certain lands in the Apache National Forest, with payment to the Government for excess values. Sen. Ellender inserted Under Secretary Morse's report of Mar. 14 in support of the bill. pp. 4253-4
Sen. Morse questioned whether S. 1529, to authorize the transfer of an agricultural research station operated under lease from the Bureau of Reclamation, and engaged in the growth of forests on desert land, met the "Morse formula" of payment of 50% of the market value for property conveyed from the United States. p. 4295
11. AREA DEVELOPMENT. Sen. Revercomb spoke in favor of S. 1433, the area assistance bill to encourage new industries in areas of unemployment, and inserted a statement favoring such programs. pp. 4261-2
12. FOREIGN TRADE; SURPLUS COMMODITIES. Sen. Humphrey urged quick passage of S. 1314, to extend Public Law 480. He pointed to the value of the export market, especially to certain products, and the importance of the program in our foreign policy. Sen. Long urged appointment of an expediter to aid in execution of the program. Sen. Humphrey agreed and urged greater use of private traders under the program. He inserted correspondence between himself and the Department of State, and this Department, on the sale of surplus rice. Sen. Schoeppel pointed to "the shortcomings of the executive departments in the administration of the act concerning the refusal by our government to take valuable material in return for some of our surplus commodities." (pp. 4268-9). Sen. Humphrey agreed and inserted an article, by Chester Bowles, on the place of Poland, and two other articles on Poland's negotiations with the United States for agricultural products. He urged a sharing of our food abundance to strengthen the Polish movement toward freedom and independence, and inserted an editorial favoring prompt and adequate help for Poland. Sen. Long urged greater attention to obtaining an "honest exchange of currencies" in our sale of food abroad, and greater attention to possible abuses in the sale of goods in foreign countries. (p. 4272). pp. 4262-72

from national civic auditorium to national cultural center.

Second. Authorize the Commission to select and acquire, by purchase, condemnation, gift, transfer from any Federal agency, or otherwise, a suitable site in the District of Columbia for the national cultural center.

Third. Continue the Commission in existence until the construction of the center has been completed.

Fourth. Authorize the Commission to sell copies of reports, recommendations, and any other publications which it might prepare in carrying out its duties.

So, Mr. President, on behalf of the committee I move to strike out all after the enacting clause of H. R. 4813, and insert in lieu thereof the text of S. 685 as proposed to be amended by the Committee on the District of Columbia.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and to insert the following:

That the act entitled "An act creating a Federal commission to formulate plans for the construction in the District of Columbia of a civic auditorium, including an Inaugural Hall of Presidents and a music, fine arts, and mass communications center", approved July 1, 1955, as amended, is amended—

(1) by striking out subsection (a) of the first section of such act "District of Columbia Auditorium Commission" and inserting in lieu thereof the following: "Commission for a National Cultural Center";

(2) by striking out in subsection (a) of the first section of such act "national civic auditorium" and inserting in lieu thereof: "national cultural center";

(3) by striking out subsection (c) (1) of the first section of such act and inserting in lieu thereof the following:

"(1) select and acquire, by purchase, condemnation, gift, transfer from any Federal agency, or otherwise, a suitable site in the District of Columbia for the national cultural center referred to in subsection (a);";

(4) by adding at the end of the first section of such act the following new subsections:

"(f) The Commission shall continue in existence until the construction of the national cultural center referred to in subsection (a) of this section has been completed.

"(g) The Commission is authorized to sell (1) copies of the report and recommendations which it made to the President and to the Congress pursuant to the provisions of subsection (c) (4) of this section, and (2) any other publications which it might prepare in carrying out its duties under this act. Any receipts from the sale of any copies of such report, recommendations, and other publications by the Commission shall be deposited in the Treasury of the United States and credited to the current appropriation available for salaries and expenses of the Commission."

Mr. ELLENDER. Mr. President, will the Senator from Oregon tell me how much money is provided to pay for expenses of this Commission?

Mr. MORSE. The Commission has had appropriated \$150,000 up to this time to pay expenses until June 30 of this year.

Mr. ELLENDER. Is there a request for more money?

Mr. MORSE. Not at this time. The request is only for the authorization.

Mr. ELLENDER. As I understand, the funds for this purpose are not to be

taken from the District funds but from the United States Treasury.

Mr. MORSE. That is correct.

Mr. ELLENDER. There is no request for funds at this time?

Mr. MORSE. Not at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to extend the life of the District of Columbia Auditorium Commission, to change the name of such Commission, and for other purposes."

The PRESIDING OFFICER. Without objection, Senate bill 685 is indefinitely postponed.

PRICE SUPPORT FOR EXTRA-LONG-STAPLE COTTON

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 182, Senate bill 812.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 812) to amend the Agricultural Act of 1949 with respect to price support for extra-long-staple cotton.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 812) to amend the Agricultural Act of 1949 with respect to price support for extra-long-staple cotton.

Mr. ELLENDER. Mr. President, this bill would freeze price support for extra long staple cotton at 75 percent of parity, the lowest support level now provided for.

In 1954, at the request of the extra long staple cotton producers, Congress provided that the support level for extra long staple cotton should be the minimum level provided by the Agricultural Act of 1949—fixed on the basis of the supply percentage at a level between 75 and 90 percent of parity. Under this provision the price-support level for 1955 and 1956 was fixed at 75 percent of parity. The supply situation has now changed so that the level for 1957 would be required to be fixed at above 75 percent of parity. Producers have requested Congress to keep the price-support level at 75 percent of parity, on the ground that more domestic extra long staple cotton will move into the market at this price.

This bill would not increase the cost of the price-support program for extra long staple cotton, and therefore would not require the expenditure of any funds. Since it provides for a lower support price and its purpose is to prevent the movement of extra long staple cotton to the Government, it should result in less expenditures under the program.

I think the farmers who grow long staple cotton, Mr. President, ought to be commended for asking Congress to freeze the support price at 75 percent of parity when, as a matter of fact, they might be able to get a little more than that. In order to have this cotton sold on the market they are requesting Congress to freeze the support price at 75 percent of parity.

Mr. BARRETT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. BARRETT. I take it that under the proposed legislation, cotton will move into the market and will not go into the support program. So the bill will result in a saving to the Government of the amount which would be necessary to be paid under the support program.

Mr. ELLENDER. The Senator is correct.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ANDERSON. I do not wish to detain the Senate longer than to say that this is a most interesting agricultural experiment. The growers of long-staple cotton will assess themselves \$3 a bale. They have very elaborate sales agencies throughout the country for the moving of the cotton into commercial channels. Not a bale of this cotton will move under the loan program, but the producers will have increased the consumption of this type of cotton tremendously.

I congratulate the Senator from Louisiana for having given us so prompt a report on the bill.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the letter addressed to me by the Department of Agriculture under date of March 15, 1957, be printed in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 15, 1957.
Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture
and Forestry, United States Senate.

DEAR SENATOR ELLENDER: This is in reply to your request of January 24, 1957, for a report on S. 812, a bill to amend the Agricultural Act of 1949, with respect to price support for extra long staple cotton.

The Department favors enactment of the bill.

The bill amends section 101 (f) of the Agricultural Act of 1949, as amended, to provide that the level of price support for the 1957 and succeeding crops of extra long staple cotton shall be the same percent of the parity price as for the 1956 crop. The price support level for the 1956 crop was 75 percent of parity; therefore, the bill would have the effect of freezing price support for this cotton at 75 percent of the parity price.

Existing law provides price support for extra long staple cotton at from 75 to 90 percent of parity, depending on the supply percentage. However, the law requires that the level of support be at the minimum level for the supply percentage. Operating under 75 percent for the 1955 and 1956 crops, the growers have found increased markets both at home and abroad for this cotton. In fact, the supply situation has changed so that unless the present law is amended the

supply percentage may be such as to require a price-support level for the 1957 crop substantially higher than 75 percent, notwithstanding the fact that the 1957 national acreage allotment is nearly twice as large as the 1956 allotment.

The bill would not increase the cost of the price-support program for extra long staple cotton.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. T. BENSON,
Secretary.

Mr. JOHNSON of Texas. Mr. President, I am under the impression that the minority leader, the distinguished Senator from California, told me he had cleared Calendar No. 182, S. 812, but I am not positive. I am attempting to communicate with him at the moment. I think it will be satisfactory to proceed to pass the bill. If it develops that the minority leader had not cleared the bill, I shall move to reconsider the vote whereby it was passed.

Mr. ANDERSON. Mr. President, I wish to tell the distinguished majority leader that the Senator from Arizona has joined with me in promoting this development for a long time. I believe all the long-staple cotton is produced in the States of Arizona and New Mexico and the western portion of Texas. If there should be any question about the clearing of the bill by the minority leader, we naturally would want the passage of the bill rescinded later.

Mr. AIKEN. As one of the acting leaders on this side of the aisle, I have been asked if I knew of any objection to the bill. I said I had heard none. I assume if there had been objection, it would have been made known to the leadership. I know of no objection. The committee reported the bill unanimously. If we have a bill which will make everyone happy, I want to see it passed.

Mr. JOHNSON of Texas. I think the distinguished minority leader told me before he left that the bill had been cleared. I am going to let it pass. But if for any reason I am mistaken, I will move to reconsider the action by which it was passed.

Mr. BARRETT. I am quite certain the distinguished majority leader is correct. The Senator from California, the minority leader, asked me to have Calendar No. 183, S. 1314, held up temporarily until he could return. That is the only bill he mentioned to me.

Mr. JOHNSON of Texas. With that understanding, the Senate can act on this bill. But in the event the Senator from California asks to have its passage rescinded, I will move to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the first sentence of section 101 (f) of the Agricultural Act of 1949, as amended, is amended to read as follows:

"The provisions of this act relating to price support for cotton shall apply severally to (1) American upland cotton and (2) extra long staple cotton described in subsection (a) and ginned as required by subsection (e) of section 347 of the Agricultural Adjustment Act of 1938, as amended, except that, notwithstanding any of the foregoing provisions of section 101 of this act, the level of support to cooperators for the 1957 and each subsequent crop of extra long staple cotton, if producers have not disapproved marketing quotas therefor, shall be the same percent of the parity price as for the 1956 crop."

CONSTRUCTION OF WOODROW WILSON MEMORIAL BRIDGE OVER POTOMAC RIVER

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 179, S. 78, the Potomac River bridge maintenance and operation bill.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 78) to provide for the maintenance and operation of the bridge to be constructed over the Potomac River from Jones Point, Va., to Maryland.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MORSE. Mr. President, Public Law 534, 84th Congress, amended Public Law 704 of the 83d Congress so as to authorize and direct the Secretary of Commerce to construct a six-lane bridge over the Potomac River from a point at or near Jones Point, Va., to a point in Maryland.

This act also provided that the bridge would be maintained and operated by the States of Virginia and Maryland.

The purpose of this bill, S. 78, is to provide that the bridge authorized to be constructed over the Potomac River from Jones Point, Va., to Maryland, shall be maintained and operated by and at the expense of the States of Maryland and Virginia, and the District of Columbia, in accordance with such arrangements as are agreed to by such States and the District of Columbia.

The Department of Highways of the District of Columbia, has estimated that the cost of operation and maintenance of the Jones Point Bridge—the Woodrow Wilson Memorial Bridge—after construction will be approximately \$60,000 annually. This is the total cost that would be split among the jurisdictions involved.

The Committee on the District of Columbia makes a unanimous report in support of the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the bridge authorized to be constructed by title II of the act entitled "An act to authorize and direct the

construction of bridges over the Potomac River, and for other purposes," approved August 30, 1954, shall be maintained and operated by and at the expense of the States of Maryland and Virginia and the District of Columbia in accordance with such arrangements as shall be agreed upon by such States and the District of Columbia.

REGULATION, CONTROL, AND ERADICATION OF PLANT PESTS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 184, Senate bill 1442.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1442) to facilitate the regulation, control, and eradication of plant pests.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. ELLENDER. Mr. President, the bill would amend subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended, to include "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed."

S. 1442 is enabling legislation and does not of itself create the need for additional funds as the result of extending coverage of the Agricultural Organic Act of 1944 to include all "insect pests, plant diseases, and nematodes. These programs will be funded to the extent possible through the existing contingency funds for emergency outbreaks. In the past when an insect pest or plant disease has reached epidemic proportion, it has often been necessary for the Department of Agriculture to request additional funds on an individual pest or disease basis. With the passage of this bill, the Department would be authorized, in the case of such pests as the imported fire ant, to sit down with responsible State officials, representatives of farm organizations, livestock associations, and other interested groups to determine just what course of action should be taken and the extent of Federal assistance that would be needed in order to insure the success of the program.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement, incorporated in the committee report, which was made before the committee by Dr. M. R. Clarkson, Deputy Administrator, Plant Pest Control Division, of the Agricultural Research Service.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

S. 1442 would broaden the Department's authority to cooperate with the States and localities in the control, eradication, and prevention of spread of insect pests, plant diseases, and nematodes. The bill names the imported fire ant, soybean cyst nematode, and witchweed as examples of the kinds of pests intended to be covered by the legislation. These are in addition to a long list of plant diseases and pests already listed in the Department of Agriculture Organic Act which this legislation would amend.

The imported fire ant is an ant which came into this country from South America about 30 years ago at the port of Mobile, Ala. It was recognized as a destructive insect, but the means were not at hand for prevention of spread and eradication. Accordingly, State and Federal effort was directed toward research to determine ways of controlling the pest, and the resources of the State and Federal extension services were enlisted to distribute the information obtained from this research to the farmers and other landowners so that they might keep down the infestations on their properties. The research has been successful, and the field experience with the measures used to eradicate the white-fringed beetle in some of the Southern States have shown that the same measures, using granulated dieldrin, chlordane, or heptachlor, are effective to eradicate the imported fire ant. However, the measures are expensive, costing about \$5 per acre, and it is necessary to treat rather large blocks of infested land to get adequate protection. If only small spotted areas are treated, the ants soon return from surrounding areas that were left untreated.

During the intervening years since the pests came into this country, it has gradually spread until it now extends from eastern Texas to North Carolina, with the heaviest infestations in Alabama, Mississippi, and Louisiana. Because of the high cost of the treatment and the lack of area controls, especially in low-value lands, the efforts of individual landowners have not been sufficient to hold the ant in check. The past 2 years have brought a great increase of the ants in the infested areas. It is feared that this enormous population buildup will accelerate the rate of spread into new areas if something is not done to prevent it.

From what is known about the important fire ant, it seems likely that its spread into areas of the country where colder winter weather prevails will be slower than it has been in the South, but that is no reason to believe that the ant will not survive in any of the farming regions of the United States if the infestation becomes established there during the warm months of the year. The large mounds constructed by the ants, often 1 to 3 feet above ground and as much as 4 to 5 feet below ground, provide protection against the elements even in areas where winters are quite severe. The shorter growing season and the consequent reduction in the number of generations produced per year in colder areas of the country would undoubtedly reduce the damage done by the ant in such areas, but would not eliminate them.

The problem of dealing with these ants is one that has to be worked out very carefully with the State departments of agriculture and State plant boards, the county and parish governments, municipal governments, and local groups of landowners, with a view to enlisting the support and assistance in both services and finances from all such groups. The Department would endeavor to coordinate such work, to contribute to the efforts to prevent further spread, to eliminate outlying infestations, and to assist in the gradual suppression of the pests in the heavily infested areas with a view to final eradication of the imported fire ant in this country.

The witchweed is an introduced parasitic plant which infests corn and related plants, doing its damage below ground by penetrating the roots of the host plant and stealing from the host its nutrients and water. It is a harmless-looking weed when seen in the field, but it dwarfs the grain plants and greatly reduces the yield, making the crop uneconomic.

The witchweed is now known to exist only in 4 counties of North Carolina and 4 adjacent counties in South Carolina. Federal

quarantines to prevent further spread are under consideration.

The soybean cyst nematode exists in limited areas in North Carolina, northwestern Tennessee, southeastern Missouri, and northeastern Arkansas. Federal quarantine to protect against the spread of this pest is also under consideration. As far as is known, the soybean cyst nematode is a menace to soybeans wherever they may be grown in this country, and, in like manner, the witchweed is a menace to corn wherever corn is grown.

Mr. BARRETT. Mr. President, will the Senator from Louisiana state what additional expenditures will be required under the bill?

Mr. ELLENDER. None. There is an existing contingency fund to take care of emergency outbreaks. No additional funds will be required.

Mr. MORSE. Mr. President, I may say that it is a great pleasure to me that my friend from Louisiana and I find ourselves in agreement on this bill. We are back in agreement on this one. It is a very important bill, and I commend the Senator from Louisiana for his leadership in bringing about action on it.

Mr. ELLENDER. The Senator from Oregon and I are seldom in disagreement.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed."

ORDER FOR ADJOURNMENT TO MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until 12 o'clock noon on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCHANGE OF CERTAIN LANDS IN THE STATE OF NEW MEXICO

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 185, Senate bill 44.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments on page 2, line 5, after the word "containing", to strike out "79.24" and insert "79.24", and on page 3, line 3, after the word "interest", to strike out the comma and "but the Secretary of Agriculture shall consider and give full

effect to all of the equities of the said Floyd McMahan and Annie Locket McMahan in such federally owned property.", so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to convey by quitclaim deed to Floyd McMahan and Annie Locket McMahan all right, title, and interest of the United States in and to the following-described tract of land (together with any improvements thereon), located within the Apache National Forest, New Mexico: South half of the north half of the southwest quarter of the southwest quarter of the southwest quarter of section 34, township 5 south, range 18 west, New Mexico principal meridian; and the west half of lot 18, east half of lot 19, east half of the east half of lot 22, west half of the west half of lot 23, all in section 4, township 6 south, range 18, west, New Mexico principal meridian; containing 79.25 acres more or less; and to accept in exchange therefor a conveyance in fee simple to the United States by Floyd McMahan and Annie Locket McMahan of the following described tract of land (together with any improvements thereon) located in the State of New Mexico: Northeast quarter of the southwest quarter of section 33, township 5 south, range 18 west, New Mexico principal meridian, containing 40 acres.

SEC. 2 (a) Prior to the consummation of the exchange authorized by the first section of this act the Secretary of Agriculture shall have an appraisal made of the parcels to be exchanged, and in the event that the property to be conveyed to the United States is of less value than the federally owned property to be conveyed under this act, the grantors of the property to be conveyed to the United States shall, as a condition to such exchange, pay to the Secretary, to be covered into the Treasury as miscellaneous receipts, an amount equal to the difference in the appraised value of the respective properties.

(b) The appraised value of the federally owned property to be conveyed under this act shall not include any increased value resulting from the development or improvement of such property by the said Floyd McMahan and Annie Locket McMahan, or their predecessors in interest.

Mr. ELLENDER. Mr. President, I feel certain that the bill probably will not be objected to by the distinguished Senator from Oregon, because I am sure it meets his formula.

The bill provides for the exchange of 79.34 acres of public lands for 40 acres of private lands, any excess in the value of the public lands to be paid for in cash. This would correct an error in conveying resulting from an irregular survey and is fully described in a letter directed to me by the Department of Agriculture.

I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 14, 1957.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture
and Forestry, United States Senate.

DEAR SENATOR ELLENDER: This is in response to your letter of January 10, 1957, requesting a report on S. 44, a bill to authorize the Secretary of Agriculture to exchange certain lands in the State of New Mexico.

We recommend enactment of S. 44 as amended in line 5, page 2 of the bill to change "79.24 acres" to "79.34 acres." It is

also suggested that certain language of the bill hereinafter referred to either be clarified or stricken.

This bill would authorize and direct the Secretary of Agriculture to convey by quitclaim deed to the persons named therein all right, title, and interest of the United States in and to a described 79.34-acre tract of land and to accept in exchange a conveyance of a described 40-acre tract. Both of these tracts are within the Apache National Forest in New Mexico. The bill also would provide that the Secretary shall have the two parcels of land appraised and that if the lands granted by the United States are of greater value than the lands conveyed to the United States, the grantees of the Government shall pay the difference in value, the money so received to be deposited into the Treasury as miscellaneous receipts. The appraisal of the federally owned property is to be exclusive of any increased value resulting from development or improvement of the tract by the present occupants or their predecessors and shall give full effect to the equities of these people in the tract.

The intent of the following language which begins on line 3, page 3 of the bill is not clear:

"* * * but the Secretary of Agriculture shall consider and give full effect to all of the equities of the said Floyd McMahan and Annie Locket McMahan in such federally owned property."

We are not aware of any equities which should be taken into consideration in appraising the federally owned property described in the bill, other than those resulting from the development or improvement of the property by the McMahans or their predecessors in interest, which equities, according to the bill shall not be included in the appraisal. For this reason it is suggested that the language quoted above either be clarified or stricken.

Enactment of this bill will permit adjustment of a confused landownership problem of long standing.

In 1891 patent was issued to John Starkweather covering the E $\frac{1}{2}$ SW $\frac{1}{4}$ of section 33, T. 5 S., R. 18 W. and E $\frac{1}{2}$ NW $\frac{1}{4}$ of section 4, T. 6 S., R. 18 W. Had the surveys of these townships been regular, the patented tracts would have formed a single 160-acre tract about one-fourth mile east and west by 1 mile north and south. However, section 33, of T. 5 S., R. 18 W. was at the time unsurveyed. Also, T. 6 S., R. 18 W. as surveyed is approximately three-fourths mile easterly of the normal position in relation to the township to the north, so that section 4 of T. 6 S., instead of being directly south of section 33, T. 5 S., is offset to the east and lies south of section 34. The patented subdivisions properly located according to surveys in place therefore would not have formed a contiguous tract.

Subsequent to the patent, all of the land except the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 33 was reconveyed to the United States under the provisions of the lieu selection act of June 4, 1897. The NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 33, T. 5 S., was presumed to be the location of the homestead improvements and subsequently has passed through many ownerships. It is now known as the Cross V. Ranch.

More accurate surveys reveal that the structures, cultivated land, fences, orchards, and other improvements which constitute the Cross V Ranch at present lie east of the patent description and are located on national forest land. The house and other improvements are situated in the SW $\frac{1}{4}$ of section 34, T. 5 S., R. 18 W., and the fields and fenced areas extend southeasterly into sections 18, 19, 22 and 23 of section 4, T. 6 S., R. 18 W. Thus, the description to which owners of this property have record title does not cover the area developed, improved and used by successive owners since

1891. It is apparent that the homestead was erroneously described in the patent.

In view of the long history of use, and purchase and sale as the Cross V Ranch of the tract first described in S. 44, and of the fact that various occupants of the ranch have held record title to the second described tract in the bill, which is of value chiefly for national-forest purposes, the provisions of S. 44 appear equitable and a practical means of correcting the mislocation of the described properties and clarification of the titles thereto.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

Mr. ELLENDER. Mr. President, the bill would result in the receipt, rather than expenditure, of funds by the Government, since the amount by which the value of the land conveyed by the Government—exclusive of the value resulting from development and improvement by the grantees—exceeds that of the land received in exchange by the Government would be paid in cash by the other party to the transaction.

Mr. MORSE. Mr. President, I heartily endorse the bill. Not only does it follow the Morse formula, but it represents sound public policy. It illustrates again how easy it is for the Senator from Louisiana and the Senator from Oregon to get along with each other.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN REAL PROPERTY IN CALLAWAY COUNTY, MO., TO THE UNIVERSITY OF MISSOURI

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 1034) to authorize and direct the Secretary of Agriculture to convey to the University of Missouri for agricultural purposes certain real property in Callaway County, Mo.

PURCHASE OF INSURED MORTGAGES UNDER THE NATIONAL HOUSING ACT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 190, S. 1679. This will displace the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1679) to increase the special assistance authorization available to the Federal National

Mortgage Association for the purchase of mortgages insured under title VIII of the National Housing Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with an amendment.

Mr. JOHNSON of Texas. Mr. President, I call the attention of the Senator from Alabama to the motion which has just been agreed to.

Mr. SPARKMAN. Mr. President, this bill, as amended, would increase by \$50 million the present special assistance authorization of \$200 million available to the Federal National Mortgage Association for the purchase of military housing mortgages.

A total of \$200 million is presently available for military housing, of which all but \$4 million has been used for advance commitments and purchases.

The Committee on Banking and Currency received testimony to the effect that FNMA financing is needed immediately, and that if FNMA funds are not made available, there might be substantial delays.

The bill as introduced proposed an increase of \$100 million in FNMA authorization. As amended by the committee, the bill proposes a \$50 million increase, which will permit necessary military housing projects to go forward and, at the same time, will permit the committee, which now is conducting hearings on proposed general housing legislation, to consider the desirability of making further FNMA authorization at a later date.

Mr. STENNIS. Mr. President, will the Senator from Alabama yield to me?

Mr. SPARKMAN. I am glad to yield.

Mr. STENNIS. Mr. President, I shall not oppose passage of the bill. Under the present plan of operations for the construction of military family housing, I think enactment of the bill is necessary.

However, I think this occasion presents an opportunity to point out that, in my opinion—an opinion which is shared by others who have gone into the matter—the present plan for the construction of family housing for the military services is running at a rather expensive rate, and really is more expensive than if the Congress appropriated the funds directly to the military, and let the military construct the houses.

For instance, the Air Force has present plans, for this fiscal year, for the construction of military housing which will involve a total cost of \$1,006,500,000; that will be the actual cost. In addition, if the amortization be figured over a period of 25 years at 4½ percent interest—made up of 4 percent interest and one-half of 1 percent to be added for other incidental costs—we find that the total Government liability will be \$1,647,000,000. Furthermore, that sum is not reflected in the budget. We speak of a budget of \$71 billion-plus; but in this case we have an item of Government liability amounting to more than \$1,500,-

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 2, 1957
For actions of April 1, 1957
85th-1st, No. 56

CONTENTS

Acreage allotments.....2	Insect control.....1	Small business.....9,18
Adjournment.....26	Inventions.....6	Statehood.....20,35
Air pollution.....37	Labor, farm.....23	Stockpiling.....2,17
Appropriations.....5,27	Lands.....21,38,39	Student exchange.....10
Budget.....5,11,25,27	Legislative program.....25	Surplus disposal.....10
Coconut oil.....33	Loans, farm.....3	Surplus property.....34
Cotton.....2,31	housing.....41	Taxation.....27
Drought relief.....15	Monopolies.....8,13	Territories.....20
Electrification.....12	Plant pests.....1	Tobacco.....29
Expenditures.....30	Postal service.....40	Trade, foreign.....10
Farm program.....31,32	Poultry.....24	Transportation.....19
Flood control.....15,16	Price supports.....2	Textiles.....22
Food processing.....8	Public Law 480.....10	Veterans.....7
Foreign aid.....30	Reclamation.....16	Water resources.....14,15
Forestry.....21,39	Research.....32	Watershed.....36
Humane slaughter.....38	Reorganization.....4	Weather.....37

HIGHLIGHTS: Senate passed bill to extend Public Law 480. Senate committee reported corn bill. House committee reported plant pests control bill. House passed bill to extend FHA loans to desertland entrymen. House subcommittee ordered reported bill to revise price support for upland cotton, increase acreage allotments for cotton, extend 1956 price supports for extra long staple cotton, and sell long staple cotton from stockpile. Both Houses received President's recommendation to continue Reorganization Act. House debated Labor-HEW appropriation bill.

HOUSE

1. INSECT CONTROL. The Agriculture Committee reported with amendment H.R. 3476, to facilitate the regulation, control, and eradication of plant pests (H. Rept. 289). p. 4422
2. COTTON. The Cotton Subcommittee of the Agriculture Committee ordered reported to the full committee the following bills: (p. D269)
 - H.R. 3654, to amend the Agricultural Act of 1949 so as to continue the price support for extra long staple cotton at the 1956 rate;
 - H. J. Res. 172, providing for the withdrawal and transfer of 50,000 bales of domestically grown extra long staple cotton from the critical stockpile to CCC for sale;
 - H.R. 5734, to increase the 1957 acreage allotments for cotton by 154,321 bales;
 - H.R. 2461, providing that the level of price support for upland cotton shall be determined on the basis of the parity price for upland cotton as of June 1 prior to the beginning of the marketing year, and the supply percentage for upland cotton as of the beginning of the marketing year shall be finally determined between June 1 and June 15, inclusive.

3. FARM LOANS. Passed without amendment H.R. 3988, to amend the Bankhead-Jones Farm Tenant Act so as to provide more flexibility in refinancing loans by permitting the inclusion of personal property in determining eligibility for refinancing loans. pp. 4354-55
Passed over, at the request of Rep. Marshall, H.R. 3753, to enable this Department to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen. p. 4355
 4. REORGANIZATION PLANS. Both Houses received a message from the President recommending the enactment of legislation to extend for 4 years the period within which the President is authorized to prepare and transmit to Congress plans for the reorganization of executive agencies (H. Doc. 145); to Government Operations Committees. pp. 4297, 4353
 5. APPROPRIATIONS. Continued debate on H.R. 6287, the Labor-HEW appropriation bill for 1958. pp. 4388-4413, 4414
Rep. Byrd called for a reduction in the Federal budget and inserted a speech on the matter. pp. 4419-21
 6. INVENTIONS. Passed over, on objections by Reps. Schenck, Cunningham, and Wright, H.R. 103, to authorize the National Inventors Council to make awards for inventive contributions relating to the national defense. p. 4353
 7. VETERANS. Passed, under suspension of the rules, H.R. 53, to consolidate into one act, and to simplify and make more uniform, the laws administered by the Veterans' Administration. pp. 4357-86
 8. MONOPOLIES. Rep. Patman spoke in favor of H.R. 11, providing for the submission of burden of proof in price-discrimination cases under the Robinson-Patman Act, and cited the support of small food processors, canners, and small dairy processors for the bill. pp. 4417-19
 9. SMALL BUSINESS. Received from the Small Business Admin. a proposed bill to establish that agency on a permanent basis; to Banking and Currency Committee. p. 4422
- SENATE
10. FOREIGN TRADE; SURPLUS DISPOSAL. Passed without amendment S. 1314, to extend the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) one year, to increase the authorization under Title I from \$3 billion to \$4 billion, to authorize \$300 million additional under Title II for famine relief, and to delete the restrictions on barter with Communist-dominated nations. Defeated, by a 23-54 vote (p. 4345), an amendment by Sen. Knowland to strike the section deleting the restrictions on barter with Communist-dominated states. Sen. Ellender discussed the uses of Public Law 480 funds, and inserted the fifth semi-annual report on the operations of the program and charts concerning the shipment of goods to various countries, and urged restrictions on all types of foreign aid (pp. 4326-32). Sen. Thye urged the value of the student exchange program (pp. 4331-2). Sens. Ellender, Aiken, and Johnston discussed the proposed repeal of the restrictions on barter with Communist nations and inserted Assistant Secretary Butz's report of Mar. 26 on this deletion (pp. 4332-4). Sen. Knowland urged adoption of his amendment to prevent the use of our surplus to support Soviet satellites, and inserted a Soviet resolution proposed to the General Assembly of the UN, criticizing the U. S. for "subversive activities" in other States (pp. 4334-9).

CONTROL OF PLANT PESTS

APRIL 1, 1957.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H. R. 3476]

The Committee on Agriculture, to whom was referred the bill (H. R. 3476) to facilitate the regulation, control, and eradication of plant pests, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Page 3, line 19, strike out "involved" and insert "involve".

Page 7, line 20, strike out "contains" and insert "contain".

Page 7, line 22, strike out "person" and insert "persons".

Page 8, line 2, strike out "contains" and insert "contain".

Page 8, beginning on line 5, strike out all after the semicolon through the period on line 12 and insert:

and to enter, with a warrant, any premises in the United States, other than places which may be entered under section 15 of the Plant Quarantine Act, to make any inspections and seizures necessary under this Act. Any judge of the United States or of a court of record of any State, Territory or possession, or any United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this Act, issue warrants for the entry of such premises to make any inspections or seizures under this Act. Such warrants may be executed by any authorized employee of the Department of Agriculture.

Page 10, line 4, strike out "defective" and insert "effective".

Page 10, line 20, strike out the quotation marks and period and insert "spotted alfalfa aphid,"."

STATEMENT

This bill has two related but distinct purposes. Title I establishes for the first time specific authority for the Department of Agriculture to regulate and control the importation and the interstate movement of plant diseases and disease-bearing organisms. Title II amends the list of insects and plant pests with respect to which the Department of Agriculture is authorized to conduct eradication and control campaigns. The list is amended by adding four new plant pests (imported fire ants, soybean cyst nematodes, witchweed, and spotted alfalfa aphid) and by giving the Department of Agriculture general authority to conduct campaigns against pests related to those named in the act without specific authorization from Congress.

TITLE I

The purpose of title I of the bill is to fill a gap which has existed for a number of years in the authority of the Department of Agriculture to protect American agriculture against invasion by foreign plant pests and diseases, and which has become increasingly serious in recent years as new and more rapid methods of transportation have made it easier for plant pests to be moved rapidly over great distances and more difficult for the Department to supervise or control such movement. Under existing law the Department has the authority to regulate the importation or the interstate movement of any insects in a live state which are notoriously injurious to cultivated crops, and of nursery stock and other plants and plant products which may carry insect pests or plant diseases. It does not have authority under existing law, however, to regulate the movement of plant diseases as such or disease-bearing organisms or of mites, nematodes, protozoa, bacteria, fungi, parasitic plants, or viruses which can injure or cause disease or damage in plants or their products. Title I of this bill will provide authority for the regulation of the movement of these types of plant pests.

DESCRIPTION OF RELATED ACTS

Following is brief description of the existing laws relating to this subject and the effect of the bill reported herewith on those laws:

The Insect Pest Act (act of March 3, 1906; 33 Stat. 1269; 7 U. S. C. 141-144), authorizes the Secretary of Agriculture to regulate or prohibit the movement from any foreign country into the United States, or from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, of any insect in a live state which is notoriously injurious to cultivated crops. The provisions of this act are consolidated into this bill and the act is repealed.

The Plant Quarantine Act (act of August 20, 1912; 37 Stat. 315; 7 U. S. C. 151 et seq.), imposes certain requirements with respect to the importation or nursery stock, authorizes the Secretary of Agriculture to extend such requirements to the importation of other plants and plant products, and authorizes the imposition of quarantines and restrictions upon the interstate movement of plants, plant products, stone or quarry products, and other articles to prevent the spread of insect infestations or plant diseases. Under this act inspectors of the Department are authorized to stop and search, without a warrant, persons coming into the United States, and any vehicles,

receptacles, boats, ships, or vessels, coming from any country or moving interstate, when there is reason to believe that they carry or contain articles the entry or movement of which in interstate or foreign commerce is prohibited or restricted by the act or any order thereunder. The act further authorizes inspectors of the Department to seize and dispose of any articles found to be moving, or to have been moved in interstate commerce, or to have been brought into the United States in violation of the act or such order. The bill reported herewith does not amend or repeal any provision of this act. However, performance of certain functions under the act is strengthened by provisions of the bill.

The Mollusk Act (act of September 22, 1951; 65 Stat. 335; 7 U. S. C. 441), prohibits the transportation of terrestrial or fresh-water mollusks injurious to agriculture. It authorizes regulations governing the inspection and treatment of produce, baggage, salvaged war materials, and other goods entering the United States when necessary to prevent the entry of such mollusks. This authority consolidated into H. R. 3476 and the act repealed.

The Mexican Border Act (act of January 31, 1942; 56 Stat. 40; 7 U. S. C. 149), provides authority to regulate the entry of railway cars and other vehicles, freight, express, baggage, and other materials which may carry insect pests and plant diseases when moving from Mexico into the United States. Provision is made for the disinfection of such vehicles and materials when necessary. One minor change is made in this act.

ADDITIONAL AUTHORITY NEEDED

These acts do not provide authority to regulate the movement into or through the United States of insects that might later be found to be injurious to cultivated crops, or of mites, nematodes, protozoa, bacteria, fungi, parasitic plants or reproductive parts thereof, and viruses, which can injure or cause disease or damage in plants or their products.

Another deficiency is illustrated by the fact that, except in the case of the Mollusk Act and the Mexican Border Act, existing laws do not authorize emergency action with respect to plant pests and infected or infested products, carriers, and articles coming into the country or moving interstate when such movement has not been anticipated and appropriate quarantine action taken.

Authority for taking emergency action with respect to pests that are new to or not widely distributed in this country is urgently needed. For example, on three separate occasions, aircraft have arrived in Hawaii from the Far East heavily infested with a leafhopper which is a known vector of a destructive virus disease of sugarcane that does not now occur in the Hawaiian Islands. The steps necessary to safeguard American agriculture were taken in these instances with the voluntary cooperation of those responsible for the movement. It is hazardous, however, to rely upon the cooperation of the parties involved for such protection and there is need for legislation such as this bill providing a legal basis for taking action when necessary.

A few examples will serve to illustrate the kinds of problems encountered:

(1) An empty vessel arrived at New York to load grain for the United Kingdom. The hold was infested with Khapra beetle. Through the cooperation of the owner, and at his expense, the vessel was fumigated at a cost of approximately \$3,000. Neither the Insect Pest Act nor the Plant Quarantine Act contained provisions permitting the Department to require that this be done.

(2) Automobiles that have been driven in Europe are now washed either prior to loading or shipboard or upon unloading at port of entry to remove soil which may contain cysts of the golden nematode. Through the cooperation of steamship lines, the military, and the owners this is being done on a voluntary basis.

(3) Green-pine poles used as center cores for 62 rolls of sheet lead from Belgium were infested with woodborers not known to occur in this country. Through the cooperation of the importer the wooden cores were removed from the rolls and destroyed by burning, although the Department had no authority to require such action.

(4) Crates containing farm machinery returned to the United States after storage in South America were infested with a species of termite not known in the United States. The owners voluntarily cooperated by removing and burning the crates.

Many similar instances have occurred in the past few years where statutory authority to deal with the problem was lacking. This bill will provide such authority.

The bill also confers authority to make necessary inspections to carry out its provisions. In the enforcement of the Plant Quarantine Act and the Insect Pest Act, it has long been the practice for plant quarantine inspectors to board vessels arriving from abroad to examine them as possible carriers of plant pests. Railway cars and other vehicles from Mexico are similarly examined. More recently there has been need for inspecting aircraft arriving in the United States from foreign countries. The bill would eliminate any question as to whether inspectors are authorized to board aircraft arriving in this country from abroad.

COST OF TITLE I

It is anticipated that the same employees of the Department of Agriculture who are engaged in enforcing the Plant Quarantine Act would enforce the provisions of title I of this bill, just as they have been and are now enforcing the Insect Pest Act and the Mollusk Act. It is not believed that title I of this bill will necessitate any additional appropriations.

COMMITTEE AMENDMENT

The only amendment of substance made by the committee to title I of the bill occurs on page 8 where language in the bill as introduced would have authorized employees of the Department of Agriculture engaged in enforcing the provisions of the bill to enter and inspect without a warrant, upon probable cause, any building or premises other than a dwelling house. While the committee realizes that there is some precedent for the granting of this type of authority it is firmly of the belief that in the long run the cause of justice will be better

served if inspectors are required to take the time to observe with particularity that provisions of our basic law which says—

the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated * * *.

Accordingly, the committee has substituted for the original language in the bill a provision authorizing the search of private premises by a quarantine inspector with a duly issued search warrant and authorizing the issuance of such warrants.

TITLE II

Title II of the bill amends section 102 of the Department of Agriculture Organic Act of 1944. This section authorizes the Secretary of Agriculture—

either independently or in cooperation with States or political subdivisions thereof, farmers' associations, and similar organizations, and individuals—

to carry out—

operations or measures to eradicate, suppress, control, or to prevent or retard the spread of—

a list of 18 specific insects or plant pests. The section requires cooperation on the part of States or local agencies by providing that the State or local agency—

shall be responsible for the authority necessary to carry out the operations of measures on all lands and properties * * * other than those owned or controlled by the Federal Government.

Title II amends this section by adding to the list of insects and plant pests therein four new specific plant pests—imported fire ants, soybean cyst nematode, witchweed, and spotted alfalfa aphid—which are described briefly below. Title II also adds to the existing law the words “insect pests, plant diseases, and nematodes, such as * * *” immediately preceding the list of plant pests. This language will have the effect of permitting the Department of Agriculture to undertake eradication or control campaigns against plant pests coming within the general description of those listed in the section without, in each case, an amendment of the act to so provide.

INSECT PESTS ADDED TO ACT

Imported fire ant

The imported fire ant is so called to distinguish it from species of fire ants somewhat similar in appearance which are native to this country. It has become an extremely destructive and annoying pest in many parts of the South. Although the heavier and more general infestations occur in Alabama, Mississippi, and Louisiana, it has been reported from as far north as Wake County, N. C., and as far west as Harris County, Tex.

It is especially destructive to seed and young plants. It builds unsightly mounds that seriously interfere with harvesting of crops. At times, it is a pest in the home and it often extends its attack to

young unprotected animals and poultry. The ants have become a major pest of improved pastures.

The imported fire ant has a painful and lasting sting and is particularly serious when small children are attacked. Anyone who has experienced the sting of these insects is acutely aware of the aptness of the name "fire ant." Because they resemble so closely the native fire ant, they were not recognized as a new introduction for several years. But about 1930 entomologists identified them as a separate species and shortly thereafter undertook investigations which have pointed the way to effective control procedures. It is believed the ants first infested Mobile, Ala., and then spread to other parts of the South by flying and crawling, by hitchhiking on cars, trucks, and trains, and by movement in association with nursery stock.

Soybean Cyst Nematode

The soybean cyst nematode is a microscopic eel-like parasitic worm which feeds upon the roots of soybeans. It is now known to occur in New Hanover and Pender Counties, N. C.; Lake County, Tenn.; Pemiscot County, Mo.; and in one field across the line in Mississippi County, Ark. Upon completion of her life cycle the female nematode produces a protective cyst in which the eggs may remain viable for several years if no host plants are present to stimulate hatching. A heavy infestation of these nematodes can cause the complete destruction of a soybean crop.

An aggressive research program, begun in 1955, to find an effective treatment or eradication measures, includes a study of soil fumigants, crop rotations, and resistant strains of soybeans. The known host range of the soybean cyst nematode includes annual lespedeza, common vetch, and snap beans.

Witchweed

The witchweed, a parasitic plant which causes severe dwarfing of corn and related plants, does its damage below ground, penetrating the roots and depriving its host of nutrients and water. It is believed to inject into the host-plant roots some substance that interferes with the normal growth of the plants it attacks.

This harmless looking weed—it seldom grows more than a few inches above ground—is a scourge of corn and sorghum in South Africa and a serious pest of rice, sugarcane, and other crops in the Far East. The Union of South Africa has reported that it does more damage to corn in that country than fungus diseases and insects combined.

Our scientists believe that if witchweed became widespread in this country it may destroy more corn than the European corn borer, and its control will be more difficult and costly. Furthermore, it is known to attack summer-grown small grains, sorghum, sugarcane, rice, and some pasture grasses which are widely grown in this country.

The witchweed has caused severe damage in the few cornfields it has infested in the Carolinas. In the same areas it has been found also in fields planted to other crops, along roadsides, and on vacant land. Although witchweed has been observed in association with tobacco, peanuts, beans, peas, sweet potatoes, and other crops not related to grasses, it does not parasitize these crops and so does them no damage.

Crabgrass or other grasses growing in fields of nonsusceptible crops will cause witchweed seeds to germinate and produce new plants that

serve to spread infestation. A single witchweed may produce up to half a million microscopic seeds. These tiny seeds may be carried by the wind, by movement of the infested soil, and by other means. The seeds will not germinate except in association with host plants.

Spotted alfalfa aphids

Spotted alfalfa aphids first appeared in this country in 1954. They are a foreign insect that occurs in many parts of the world and the exact source of the infestation which reached the United States is unknown. The infestation was first discovered in New Mexico in 1954 and spread during the same year to California, Arizona, and Nevada.

During 1955 the aphids spread as far east as the Mississippi River, being found in Arkansas, Missouri, Kansas, Nebraska, Oklahoma, Colorado, and Utah. In 1956 the insects continued their spread and were found as far north as Minnesota and South Dakota and as far east as Florida, Georgia, North Carolina, South Carolina, and Virginia.

The insect is extremely destructive of growing alfalfa. It attacks the plant by sucking the juices therefrom and, in addition, excretes a honeylike substance which is the source of a damaging mold in baled alfalfa and substantially reduces its value for hay. The insects are so destructive that an attack by only 2 or 3 of them is sufficient to kill a seedling alfalfa plant.

The insects are small and some of them have wings. They are apparently spread through the air and their ability to be thus transported and to establish themselves quickly in new areas has been demonstrated in the 3 years they have been active in this country.

COST OF TITLE II

There will not necessarily be any immediate need for additional appropriations in connection with the amendments made by title II to the Department of Agriculture Organic Act. Programs designed to control two of the pests—the soybean cyst nematode and witchweed—are now being carried on with funds heretofore appropriated to carry out the provisions of the act of April 6, 1937 (7 U. S. C. 148), authorizing the Secretary to take emergency action in the case of outbreak of plant pests. Funds to continue these programs have been included in the 1958 budget for the Department of Agriculture.

As to the other two pests specifically named in the bill—imported fire ants and spotted alfalfa aphids—there is no present basis for estimating the amount of money which the Federal Government might ultimately be required to spend in the eradication or control of these pests. There is no reason to believe, however, that it would be as substantial as funds which have been spent in the past or are now being spent on some other plant pests, such as, for example, the Japanese beetle, the gypsy moth, or the Mediterranean fruitfly. From the past performance of the agency of the Department of Agriculture charged with the responsibility of formulating and carrying out these eradication and control programs, there is every reason to believe that those programs will be carried out in the future with the highest possible degree of State and local participation, with the greatest possible economy to the Federal Government, and with benefits to agriculture and to the economy generally far in excess of their cost.

While each eradication or control program is planned to meet the specific threat posed by a particular insect or plant pest and each is, therefore, different, a high degree of State and local participation and contribution is required in all such programs. In the aggregate, the committee is informed, the cost of such programs is shared on about a 50-50 basis by the Federal Government and the States and local agencies, with the States probably contributing slightly more than the Federal Government.

For example, the campaign against the Mediterranean fruitfly in Florida is being carried out with the objective of eradicating that insect from the United States. The cost is being shared equally by the Federal Government and the State of Florida and, in addition, the Florida citrus industry is paying for the cost of fruit fumigation and otherwise contributing substantially in both money and services to the campaign. At the other extreme of Federal participation is the campaign against Japanese beetles. This insect has become so firmly established in the area it has invaded that the Department considers its complete eradication a present impossibility. Its efforts are, therefore, now confined to establishing with the cooperation of the States involved quarantine lines to prevent the further spread of the insect and measures to eradicate new areas of infestation outside quarantine lines. Eradication or control within the infested area is entirely a matter of local and individual action with the Federal Government bearing no part of the cost.

In the case of fire ants, it is believed that the major part of the cost of eradication of this pest on private lands should be the responsibility of the landowner whose fields are infested with it. Research has developed what appears to be reasonably effective means of destroying the pests. Federal responsibility in this matter should be largely that of making the latest technical information available to landowners and of cooperating with States in eradicating the ants from roadsides, parks, national forests, and other public lands or lands of low agricultural value, so that premises which have been cleared by their owners are not reinfected.

HEARINGS

Hearings were held simultaneously on the bill herewith reported and on the following similar or related bills: H. R. 4145, by Mr. Thompson of Louisiana; H. R. 5659, by Mr. Grant of Alabama; H. R. 5689, by Mr. Selden of Alabama; H. R. 5843, by Mr. Willis of Louisiana; H. R. 5931, by Mr. Elliott of Alabama; H. R. 5948, by Mr. Roberts of Alabama; H. R. 6019, by Mr. Huddleston of Alabama; and H. R. 6210, by Mr. Morrison of Louisiana.

Witnesses appearing in favor of the bill included Members of Congress, representatives of the major farm organizations, and spokesmen for the Department of Agriculture. There were no witnesses in opposition.

The bill was unanimously reported by the committee.

DEPARTMENTAL APPROVAL

Title I of the bill was transmitted to the Congress in an executive communication late in the 84th Congress with a recommendation that

the legislation be enacted. Because of the time factor, the measure was not considered in the 84th Congress.

Approval of both title I and title II is indicated in the following letter from the Department of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 15, 1957.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR CONGRESSMAN COOLEY: This is in reply to your request of January 30, 1957, for a report on H. R. 3476, a bill to facilitate the regulation, control, and eradication of plant pests.

The Department favors the enactment of H. R. 3476.

The bill would repeal the Insect Pest Act and the Mollusk Act, amend certain provisions of the Mexican Border Act and clarify and strengthen the authorities now included in the Plant Quarantine Act by (1) requiring permits for the movement of plant pests into or through the United States or from one State, Territory, or district of the United States into or through any other such State, Territory, or district; (2) providing authority for taking emergency action with respect to pests that are new to or not theretofore known to be widely prevalent or distributed within and throughout the United States; (3) providing for payment of compensation for products, articles, means of conveyance, and plant pests destroyed or otherwise disposed of under certain circumstances; (4) authorizing regulations deemed necessary to prevent the dissemination of plant pests; (5) conferring authority to make necessary inspections to carry out its provisions; and (6) by including the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed," after the phrase "or to prevent or retard the spread of" in subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended.

The Department has been handicapped by certain statutory deficiencies in carrying out the responsibilities to protect the agriculture of this country from introduction, establishment, and spread of pests and diseases injurious to plants and plant products. The proposed bill would provide the authority needed to meet these deficiencies.

H. R. 3476 is similar in substance to S. 3952, which was introduced, at the Department's request, in the last session of the 84th Congress, May 29, 1956, and referred to the Senate Committee on Agriculture and Forestry. The principal differences between H. R. 3476 and S. 3952 are (1) the definition of plant pest is simplified and extended to include parasitic plants and reproductive parts thereof, in addition to bacteria and fungi and (2) a new section has been added to amend subsection (a) of section 102 of the Department's Organic Act of 1944, as amended, which provides adequate authority for the Department to cooperate with States when necessary to deal with pest problems requiring prompt attention.

It is not believed that the proposed legislation will necessitate additional appropriations.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. T. BENSON, *Secretary*.

ANALYSIS OF THE BILL

The following analysis shows in the left-hand column the provisions of H. R. 3476 as reported and in the right-hand column the effect of the various sections and their relationship to existing law.

SEC. 101. [Title.] This title may be cited as the Federal Plant Pest Act. New.

SEC. 102. [Definitions.] As used in this Act, except where the context otherwise requires: New.

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Properly identified employee of the Department of Agriculture" means an employee of that Department authorized to enforce the provisions of the Plant Quarantine Act, and wearing a suitable badge for identification, or otherwise properly identified.

(c) "Plant pest" means any living stage of: Any insects; mites; nematodes; slugs; snails; protozoa; other invertebrate animals; bacteria; fungi; other parasitic plants or reproductive parts thereof; viruses; or any organisms similar to or allied with any of the foregoing; or any infectious substances; which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

The definition of "Plant pest" gives broader coverage than:

The Insect Pest Act (7 U. S. C. 141 et seq.), which relates to specified insects and other insects notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees or shade trees;

The Mexican Border Act (7 U. S. C. 149), which relates to insect pests and plant diseases;

The Plant Quarantine Act (7 U. S. C. 151 et seq.), which relates to injurious plant diseases and insect pests and to dangerous plant diseases and insect infestations;

The Mollusk Act (7 U. S. C. 441), which covers terrestrial and freshwater mollusks.

(d) "Living stage" includes the egg, pupal, and larval stages as well as any other living stage.

(e) "United States" means any of the States, Territories, or districts (including possessions and the District of Columbia) of the United States.

(f) "Interstate" means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport or move, or allow to be moved, by mail or otherwise.

(h) "Plant Quarantine Act" means the Act of August 20, 1912 (37 Stat. 315), as from time to time amended (7 U. S. C. 151 et seq.).

(i) "Mexican Border Act" means the Act of January 31, 1942 (56 Stat. 40), as from time to time amended (7 U. S. C. 149).

SEC. 103. [Restrictions on movement of plant pests.]

(a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit

The definitions of "United States" and "interstate" cover the same areas as the Plant Quarantine Act which refers to the States, Territories, and districts (including insular possessions), as well as the United States. The Insect Pest Act refers to States, Territories, and the District of Columbia, as well as the United States. The Mollusk Act refers to the United States, meaning the States, the District of Columbia, the possessions of the United States (except those found infested) and the Canal Zone. The Mexican Border Act refers to the United States.

The definition of "Move" either specifically or in general terms covers the transactions specified in the Plant Quarantine Act, the Mollusk Act and the Mexican Border Act and most of the transactions covered by the Insect Pest Act. It does not refer to causing the taking of pests from the mails as does the Insect Pest Act. Such a reference is not deemed necessary to give adequate coverage.

New but replaces the Insect Pest Act and Mollusk Act provisions re movement of certain insects and mollusks. Gives broader regulatory power to the Secretary of Agriculture re movement of plant pests than present law and would permit authorization of movement of plant pests for other than scientific purposes and imports of plant pests, under proper restrictions.

from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, of plant pests.

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved.

SEC. 104. [Mailing plant pests.]

(a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is hereby declared to be nonmailable, and will not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except when accompanied by a copy of a permit issued under this Act.

(b) Nothing in this Act shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this Act shall not apply to any employee of the United States in the performance of his duties in handling mail.

SEC. 105. [Emergency disposal powers.]

(a) Except as provided in paragraph (c), the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, de-

New but replaces the Insect Pest Act which has provisions somewhat similar to paragraphs (a) and (b).

New. Supplements disposal provisions of the Plant Quarantine Act (7 U. S. C. 154, 164a, 167). Does not apply in situations covered by that act. Duplicates to some extent the authority to provide for cleaning and disinfection of vehicles and materials under the Mexican Border Act. This section and section 106 replace the treatment authority of the Mollusk Act.

destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States, or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest, or which has moved into the United States, or interstate, and which he has reason to believe was infested or infected by or contained any such plant pests at the time of such movement; and any plant pest, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United States, or interstate, in violation of this Act or any regulation thereunder: *Provided*, That this paragraph shall not authorize such action with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act.

(b) Except as provided in paragraph (c), the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under paragraph (a), or his agent, to treat, apply other remedial measures to, destroy, or make other disposal of such product, article, means of conveyance, or plant pest, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States District Court, or to the United States Court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or plant pest is found, for enforcement of such order by injunction, mandatory or other-

wise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoena for witnesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of plant pests new to or not theretofore known to be widely prevalent or distributed within and throughout the United States.

(d) The owner of any product, article, means of conveyance, or plant pest destroyed or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for plant disease and pest control activities of the Department of Agriculture.

No provision for payment of compensation is made in the Plant Quarantine Act, the Mexican Border Act or the Mollusk Act for losses due to disposal of products, articles, means of conveyance, or pests under these acts. Proposal provides for payment of compensation for products, articles, means of conveyance or plant pests disposed of only if the owner establishes in court that the disposal was unauthorized by the proposal or the Plant Quarantine Act.

Sec. 106. [Regulations.] The Secretary may promulgate such regulations requiring inspection of New. Supplements the regulatory authority under the Plant Quarantine Act, especially as to

products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States, or interstate, and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests, in any situation in which such regulations are not authorized under the Plant Quarantine Act.

SEC. 107. [Inspection authority.] Any properly identified employee of the Department of Agriculture shall have authority to stop and inspect, without a warrant, any persons or means of conveyance moving into the United States, and any plant pests and any products and articles of any character whatsoever carried thereby, to determine whether such persons or means of conveyance are carrying any plant pest contrary to this Act and whether any such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving in violation of any regulation under this Act; to stop and inspect, without a warrant, any persons or means of conveyance moving interstate, and any plant pests and any products and articles of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving subject to any regulation under this Act, or that such persons or means of conveyance are carrying any plant pest subject to this Act; and to enter, with a warrant, any premises in the United States, other than places which may be entered under section 15 of the Plant Quarantine Act, to make any inspections and seizures necessary

pests not covered by that act and as to the movement into the United States of means of conveyance and products and articles other than plants and plant products. Does not apply in situations covered by that act. Duplicates to some extent the regulatory authority under the Mexican Border Act re entry of vehicles and materials from Mexico. Replaces the regulatory authority re goods under the Mollusk Act.

New. Supplements the Plant Quarantine Act search provisions (7 U. S. C. 164a, 167). Proposal allows inspection without a warrant of persons and means of conveyance moving interstate, upon probable cause, but sets different standards than provided for in that Act. Omits necessity for probable cause required by that act for inspection without a warrant of persons and means of conveyance coming from a foreign country. Includes new provisions for entry of premises with a warrant (except premises in the District of Columbia enterable with a warrant under the Plant Quarantine Act) and to permit service of the warrant by inspectors of the Department of Agriculture. This section and section 106 replace the inspection provisions of the Mollusk Act. To some extent duplicates the inspection authority of the Mexican Border Act.

under this Act. Any judge of the United States or of a court of record of any State, Territory or possession, or any United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this Act, issue warrants for the entry of such premises to make any inspections or seizures under this Act. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 108. Any person who violates section 103 of this Act, or any regulation promulgated under this Act, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this Act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both.

SEC. 109. [Validity savings provision.] If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and

New. Covers violation of the regulations as well as of section 103 of the proposed act. The Mollusk Act penalizes violation of regulations under its provisions, as well as violation of the act. The Plant Quarantine Act and the Insect Pest Act do not penalize violation of regulations under their provisions, only of the acts. Proposal penalizes unauthorized use of permits or other documents; the Plant Quarantine Act does not. The latter specifically covers defacing or destruction of permits and documents. The proposal includes destruction as defacing. Proposal and the Plant Quarantine Act cover forging, counterfeiting, and altering of permits and other documents. The penalties provided in the proposal are the same as in the Plant Quarantine Act and the Mollusk Act. The Insect Pest Act provides a fine of not more than \$5,000 or 5 years' imprisonment or both. No penalties are provided for violation of the Mexican Border Act.

New.

circumstances shall not be affected thereby.

SEC. 110 [Mexican Border Act amended.] The Act entitled "An Act to provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico," approved January 31, 1942 (56 Stat. 40; 7 U. S. C. 149), is hereby amended by deleting the provision that "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by and under the direction of authorized inspectors of the Department of Agriculture," and by substituting therefor the following: "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture,".

SEC. 111. [Effect on other laws, regulations, etc.] The authority conferred by this Act shall be in addition to authority conferred by other statutes not specifically repealed hereby. Nothing in this Act shall amend or repeal any of the provisions of the Plant Quarantine Act. The Act entitled "An Act to prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose," approved March 3, 1905 (33 Stat. 1269; 7 U. S. C. 141-144), and the Act entitled "An Act to prevent the entry of certain mollusks into the United States," approved September 22, 1951 (65 Stat. 335; 7 U. S. C. 441), are hereby repealed. However, all Acts amended or repealed hereby shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was

Amends the Mexican Border Act to allow cleaning and disinfection by *or* under the direction of inspectors of this Department instead of by *and* under the direction of such inspectors.

New.

incurred, or violation that occurred prior to the effective date of this Act. Nothing contained in this Act shall affect the validity of any findings, regulations, or other orders, permits, or certificates, which were issued under any of the Acts cited in this section prior to the effective date of this Act and which are in effect on said date, but such findings, regulations, other orders, permits, and certificates shall remain in effect unless and until modified in accordance with this Act.

SEC. 201. Subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended, (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed, spotted alfalfa aphid,".

Inserts in section 102 (a) of the Organic Act of 1944 specific references to certain additional pests and provides authority to carry out the measures involved with respect to any similar pests not named in section 102 (a).

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF MARCH 3, 1905

33 Stat. 1269; 7 U. S. C. 141-144

[Sec. 141. Transportation or removal of insect pests prohibited.

[No railroad, steamboat, express, stage, or other transportation company shall knowingly transport from one State or Territory into any other State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia or from a foreign country into the United States, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupae, or larvae of any insect injurious as aforesaid, except when shipped for scientific purposes under the regulations provided for in this chapter; nor shall any person remove from one State or Territory into another State or Territory, or from a foreign country into the United States, or from a State or Territory into the District of Columbia, or from the District of Columbia into any

State or Territory, except for scientific purposes under the regulations provided for in this chapter, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupae, or larvae of any insect injurious as aforesaid. (March 3, 1905, ch. 1501, sec. 1, 33 Stat. 1269.)

[Sec. 142. Mailing parcels, etc., containing insect pests; punishment.

Any letter, parcel, box, or other package containing the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or any letter, parcel, box, or package which contains the eggs, pupae, or larvae or any insect injurious as aforesaid, whether sealed as first-class matter or not, is declared to be nonmailable matter, except when mailed for scientific purposes under the regulations provided for in this chapter, and shall not be conveyed in the mails, nor delivered from any post office, nor by any letter carrier, except when mailed for scientific purposes under the regulations provided for in this chapter; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable matter, or cause the same to be taken from the mails for the purpose of retaining, circulating, or disposing of, or of aiding in the retention, circulation, or disposition of the same shall, for each and every offense, be fined, upon conviction thereof, not more than \$5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court: *Provided*, That nothing in sections 141-144 of this title shall authorize any person to open any letter or sealed matter of the first class not addressed to himself. (March 3, 1905, ch. 1501, sec. 2, 33 Stat. 1270.)

[Sec. 143. Regulations for mailing, transportation, etc., for scientific purposes.

It shall be the duty of the Secretary of Agriculture and he is authorized and directed to prepare and promulgate rules and regulations under which the insects covered by sections 141 and 142 of this title may be mailed, shipped, transported, delivered, and removed, for scientific purposes, from one State or Territory into another State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, and any insects covered by sections 141 and 142 of this title may be so mailed, shipped, transported, delivered, and removed, for scientific purposes, under the rules and regulations of the Secretary of Agriculture: *Provided*, That the rules and regulations of the Secretary of Agriculture, insofar as they affect the method of mailing insects, shall be approved by the Postmaster General, and nothing in sections 141-144 of this title shall be construed to prevent any State from making and enforcing laws in furtherance of the purposes of sections 141-144 of this title, prohibiting or regulating the admission into that State of insects from a foreign country. (March 3, 1905, ch. 1501, sec. 3, 33 Stat. 1270.)

[Sec. 144. Punishment for unlawful transportation or removal.]

Any person, company, or corporation who shall knowingly violate the provisions of section 141 of this title shall, for each offense, be fined, upon conviction thereof, not more than \$5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court. (March 3, 1905, ch. 1501, sec. 4, 33 Stat. 1270.)

[ACT OF SEPTEMBER 22, 1951]

[AN ACT] To prevent the entry of certain mollusks into the United States.

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall establish such facilities for, and prescribe such regulations governing, the inspection and treatment of produce, baggage, salvaged war materials, and other goods entering the United States from areas infested with any terrestrial or fresh-water mollusk, as he considers necessary to prevent the entry of such mollusks into the United States. Whoever violates any such regulation or imports such a mollusk into the United States shall be fined not more than \$500 or imprisoned not more than one year, or both. The term "United States", as used in this Act in a territorial sense, means the forty-eight States, the District of Columbia, the possessions of the United States (except those which the Secretary of Agriculture finds are infested with such mollusks), and the Canal Zone.]

DEPARTMENT OF AGRICULTURE ORGANIC ACT

(Sec. 102 (a) 7 U. S. C. 147a)

Sec. 147a. Control and eradication of pests and plant diseases; cooperation of States and farmers' associations; definition of State; rules and regulations; appropriations.

(a) The Secretary of Agriculture either independently or in cooperation with States or political subdivisions thereof, farmers' associations, and similar organizations, and individuals, is authorized to carry out operations or measures to eradicate, suppress, control, or to prevent or retard the spread of *insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed, spotted alfalfa aphid, Japanese beetle, sweetpotato weevil, Mexican fruitflies, citrus canker, gypsy and brown-tail moth, Dutch elm disease, phony peach and peach mosaic, cereal rusts, corn borer, pink bollworm and thurberia weevil, citrus blackfly, white-fringed beetle, wheatstem sawfly, Oriental fruitfly, and Hall scale: Provided, That the Secretary of Agriculture is further authorized to cooperate with the Government of Mexico or local Mexican authorities in carrying out necessary surveys and control operations in Mexico in connection with the eradication, suppression, control, and prevention or retardation of the spread of Mexican fruitflies, citrus blackfly and pink bollworm and thurberia weevil. In performing the operations or measures authorized, in this subsection, the cooperating foreign country, State or local agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country or State other than those owned or controlled by the Federal Government and for such other facilities*

and means as in the discretion of the Secretary of Agriculture are necessary. As used in this section, the term "State" includes the District of Columbia and the Territories and possessions of the United States.

ACT OF JANUARY 31, 1942 "MEXICAN BORDER ACT" (7 U. S. C. 149)

Sec. 149. Regulations, cleaning, etc., of vehicles and materials entering from Mexico; administration by Secretary; fees.

To prevent the introduction of insect pests and plant diseases the Secretary of Agriculture is authorized and directed to promulgate such rules and regulations as he may deem necessary to regulate the entry into the United States from Mexico of railway cars and other vehicles and freight, express, baggage, and other materials which may carry such pests and to provide for the inspection, cleaning, and, when necessary, disinfection of such vehicles and materials; to carry out the activities required to accomplish this purpose, the Secretary of Agriculture shall use such means as he may deem necessary, including construction and repair of buildings, plants, and equipment for fumigation and disinfection or cleaning of vehicles and materials; the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by [and] or under the direction of authorized inspectors of the Department of Agriculture, and the Secretary of Agriculture shall make and collect such charge as will cover, as nearly as may be, the average cost of materials, facilities, and special labor used in performing such disinfection, and fees so collected shall be covered into the Treasury of the United States as miscellaneous receipts. (January 31, 1942, ch. 31, 56 Stat. 40.)



85TH CONGRESS
1ST SESSION

H. R. 3476

[Report No. 289]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1957

Mr. ABERNETHY introduced the following bill; which was referred to the Committee on Agriculture

APRIL 1, 1957

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To facilitate the regulation, control, and eradication of plant pests.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—FEDERAL PLANT PEST ACT

4 SEC. 101. This title may be cited as the "Federal Plant
5 Pest Act".

6 SEC. 102. As used in this Act, except where the con-
7 text otherwise requires:

8 (a) "Secretary" means the Secretary of Agriculture
9 of the United States or any other person to whom authority
10 may be delegated to act in his stead.

11 (b) "Properly identified employee of the Department

1 of Agriculture” means an employee of that Department
2 authorized to enforce the provisions of the Plant Quarantine
3 Act, and wearing a suitable badge for identification, or other-
4 wise properly identified.

5 (c) “Plant pest” means any living stage of: Any in-
6 sects, mites, nematodes, slugs, snails, protozoa, or other in-
7 vertebrate animals, bacteria, fungi, other parasitic plants or
8 reproductive parts thereof, viruses, or any organisms similar
9 to or allied with any of the foregoing, or any infectious sub-
10 stances, which can directly or indirectly injure or cause dis-
11 ease or damage in any plants or parts thereof, or any
12 processed, manufactured, or other products of plants.

13 (d) “Living stage” includes the egg, pupal, and larval
14 stages as well as any other living stage.

15 (e) “United States” means any of the States, Terri-
16 tories, or Districts (including possessions and the District
17 of Columbia) of the United States.

18 (f) “Interstate” means from one State, Territory, or
19 District (including possessions and the District of Columbia)
20 of the United States into or through any other such State,
21 Territory, or District.

22 (g) “Move” means ship, deposit for transmission in
23 the mail, otherwise offer for shipment, offer for entry, im-
24 port, receive for transportation, carry, or otherwise trans-
25 port, or move, or allow to be moved, by mail or otherwise.

1 (h) "Plant Quarantine Act" means the Act of August
2 20, 1912 (37 Stat. 315), as from time to time amended
3 (7 U. S. C. 151 and the following).

4 (i) "Mexican Border Act" means the Act of January
5 31, 1942 (56 Stat. 40), as from time to time amended
6 (7 U. S. C. 149).

7 SEC. 103. (a) No person shall knowingly move any
8 plant pest from a foreign country into or through the United
9 States, or interstate, or knowingly accept delivery of any
10 plant pest moving from any foreign country into or through
11 the United States, or interstate, unless such movement is
12 authorized under general or specific permit from the Secretary
13 and is made in accordance with such conditions as the
14 Secretary may prescribe in the permit and in such regula-
15 tions as he may promulgate under this section to prevent
16 the dissemination into the United States, or interstate, of
17 plant pests.

18 (b) The Secretary may refuse to issue a permit for
19 the movement of any plant pest when, in his opinion, such
20 movement would ~~involved~~ *involve* a danger of dissemination
21 of such pests. The Secretary may permit the movement of
22 host materials otherwise barred under the Plant Quarantine
23 Act when they must necessarily accompany the plant pest
24 to be moved.

25 SEC. 104. (a) Any letter, parcel, box, or other package

1 containing any plant pest, whether sealed as letter-rate postal
2 matter or not, is hereby declared to be nonmailable, and
3 will not knowingly be conveyed in the mail or delivered from
4 any post office or by any mail carrier, except when accom-
5 panied by a copy of a permit issued under this Act.

6 (b) Nothing in this Act shall authorize any person to
7 open any letter or other sealed matter except in accordance
8 with the postal laws and regulations.

9 (c) The prohibitions of this Act shall not apply to any
10 employee of the United States in the performance of his duties
11 in handling mail.

12 SEC. 105. (a) Except as provided in paragraph (c),
13 the Secretary may, whenever he deems it necessary as an
14 emergency measure in order to prevent the dissemination
15 of any plant pest new to or not theretofore known to be
16 widely prevalent or distributed within and throughout the
17 United States, seize, quarantine, treat, apply other remedial
18 measures to, destroy, or otherwise dispose of, in such manner
19 as he deems appropriate, any product or article of any
20 character whatsoever, or means of conveyance, which is mov-
21 ing into or through the United States, or interstate, and
22 which he has reason to believe is infested or infected by or
23 contains any such plant pest, or which has moved into the
24 United States, or interstate, and which he has reason to
25 believe was infested or infected by or contained any such

1 plant pest at the time of such movement; and any plant pest,
2 product, article, or means of conveyance which is moving
3 into or through the United States, or interstate, or has moved
4 into the United States, or interstate, in violation of this Act
5 or any regulation thereunder: *Provided*, That this paragraph
6 shall not authorize such action with respect to any product,
7 article, means of conveyance, or plant pest subject, at the
8 time of the proposed action, to disposal under the Plant
9 Quarantine Act.

10 (b) Except as provided in paragraph (c), the Secre-
11 tary may order the owner of any product, article, means of
12 conveyance, or plant pest subject to disposal under para-
13 graph (a), or his agent, to treat, apply other remedial
14 measures to, destroy, or make other disposal of such product,
15 article, means of conveyance, or plant pest, without cost to
16 the Federal Government and in such manner as the Secre-
17 tary deems appropriate. The Secretary may apply to the
18 United States district court, or to the United States court
19 of any Territory or possession, for the judicial district in
20 which such person resides or transacts business or in which
21 the product, article, means of conveyance, or plant pest is
22 found, for enforcement of such order by injunction, manda-
23 tory or otherwise. Process in any such case may be served
24 in any judicial district wherein the defendant resides or

1 transacts business or may be found, and subpoena for wit-
2 nesses who are required to attend a court in any judicial
3 district in such a case may run into any other judicial
4 district.

5 (c) No product, article, means of conveyance, or plant
6 pest shall be destroyed, exported, or returned to shipping
7 point of origin, or ordered to be destroyed, exported, or so
8 returned under this section, unless in the opinion of the
9 Secretary there is no less drastic action which would be
10 adequate to prevent the dissemination of plant pests new
11 to or not theretofore known to be widely prevalent or dis-
12 tributed within and throughout the United States.

13 (d) The owner of any product, article, means of con-
14 veyance, or plant pest destroyed, or otherwise disposed of by
15 the Secretary under this section, may bring an action against
16 the United States in the United States District Court for
17 the District of Columbia, within one year after such de-
18 struction or disposal, and recover just compensation for
19 such destruction or disposal of such product, article, means
20 of conveyance, or plant pest (not including compensation
21 for loss due to delays incident to determining eligibility
22 for movement into or through the United States or for inter-
23 state movement) if the owner establishes that neither this
24 section nor the Plant Quarantine Act authorized such de-
25 struction or disposal. Any judgment rendered in favor of

1 such owner shall be paid out of the money in the Treasury
2 appropriated for plant disease and pest control activities of
3 the Department of Agriculture.

4 SEC. 106. The Secretary may promulgate such regula-
5 tions requiring inspection of products and articles of any
6 character whatsoever and means of conveyance, specified
7 in the regulations, as a condition of their movement into or
8 through the United States, or interstate, and imposing other
9 conditions upon such movement, as he deems necessary to
10 prevent the dissemination into the United States, or inter-
11 state, of plant pests, in any situation in which such regu-
12 lations are not authorized under the Plant Quarantine Act.

13 SEC. 107. Any properly identified employee of the
14 Department of Agriculture shall have authority to stop and
15 inspect, without a warrant, any persons or means of con-
16 veyance moving into the United States, and any plant pests
17 and any products and articles of any character whatsoever
18 carried thereby, to determine whether such persons or means
19 of conveyance are carrying any plant pest contrary to this
20 Act and whether any such means of conveyance, products,
21 or articles are infested or infected by or ~~contains~~ *contain* any
22 plant pest or are moving in violation of any regulation under
23 this Act; to stop and inspect, without a warrant, any ~~person~~
24 *persons* or means of conveyance moving interstate, and any
25 plant pests and any products and articles of any character

1 whatsoever carried thereby, upon probable cause to believe
2 that such means of conveyance, products, or articles are
3 infested or infected by or ~~contains~~ *contain* any plant pest
4 or are moving subject to any regulation under this Act, or
5 that such persons or means of conveyance are carrying any
6 plant pest subject to this Act; ~~and to enter, without a war-~~
7 ~~rant, any premises, other than places subject to entry under~~
8 ~~section 15 of the Plant Quarantine Act, and other than dwell-~~
9 ~~ing houses, in the United States to make any inspections and~~
10 seizures authorized under this Act, upon probable cause to
11 believe that there are on such premises any products, articles,
12 means of conveyance, or plant pests regulated or subject to
13 disposal under this Act *and to enter, with a warrant, any*
14 *premises in the United States, other than places which may*
15 *be entered under section 15 of the Plant Quarantine Act,*
16 *to make any inspections and seizures necessary under this*
17 *Act. Any judge of the United States or of a court of record*
18 *of any State, Territory or possession, or an United States*
19 *commissioner, may, within his respective jurisdiction, upon*
20 *proper oath or affirmation showing probable cause to believe*
21 *that there are on certain permises any products, articles,*
22 *means of conveyance, or plant pests regulated or subject to*
23 *disposal under this Act, issue warrants for the entry of such*
24 *premises to make any inspections or seizures under this Act.*

1 *Such warrants may be executed by any authorized employee*
2 *of the Department of Agriculture.*

3 SEC. 108. Any person who violates section 103 of this
4 Act, or any regulation promulgated under this Act, or who
5 forges, counterfeits, or without authority from the Secretary
6 uses, alters, or defaces any permit or other document pro-
7 vided for by this Act or the regulations thereunder, shall be
8 guilty of a misdemeanor and shall be punished by a fine not
9 exceeding \$500, or by imprisonment not exceeding one year,
10 or both.

11 SEC. 109. If any provision of this Act or the application
12 thereof to any person or circumstances is held invalid, the
13 remainder of the Act and the application of such provision
14 to other persons and circumstances shall not be affected
15 thereby.

16 SEC. 110. The Act entitled "An Act to provide for
17 regulating, inspecting, cleaning, and, when necessary, disin-
18 fecting railway cars, other vehicles, and other materials
19 entering the United States from Mexico," approved January
20 31, 1942 (56 Stat. 40; 7 U. S. C. 149) is hereby amended
21 by deleting the provision that "the cleaning and disinfection
22 of vehicles or materials necessary to accomplish the purpose
23 shall be carried out by and under the direction of authorized
24 inspectors of the Department of Agriculture," and by substi-

1 tuting therefor the following: "the cleaning and disinfection
2 of vehicles or materials necessary to accomplish the purpose
3 shall be carried out by or under the direction of authorized
4 inspectors of the Department of Agriculture,".

5 SEC. 111. The authority conferred by this Act shall be
6 in addition to authority conferred by other statutes not spe-
7 cifically repealed hereby. Nothing in this Act shall amend
8 or repeal any of the provisions of the Plant Quarantine Act.
9 The Act entitled "An Act to prohibit importation or inter-
10 state transportation of insect pests, and the use of the United
11 States mails for that purpose," approved March 3, 1905
12 (33 Stat. 1269; 7 U. S. C. 141-144), and the Act entitled
13 "An Act to prevent the entry of certain mollusks into the
14 United States", approved September 22, 1951 (65 Stat.
15 335; 7 U. S. C. 441), are hereby repealed. However, all
16 Acts amended or repealed hereby shall be deemed to con-
17 tinue in full force and effect for the purpose of sustaining
18 any action or other proceeding with respect to any right
19 that accrued, liability that was incurred, or violation that
20 occurred prior to the ~~defective~~ *effective* date of this Act.
21 Nothing contained in this Act shall affect the validity of any
22 findings, regulations, or other orders, permits, or certificates,
23 which were issued under any of the Acts cited in this section
24 prior to the effective date of this Act and which are in effect
25 on said date, but such findings, regulations, other orders, per-

1 mits, and certificates shall remain in effect unless and until
2 modified in accordance with this Act.

3 TITLE II—ERADICATION AND CONTROL OF IN-
4 SECT PESTS, PLANT DISEASES, AND NEMA-
5 TODES

6 SEC. 201. Subsection (a) of section 102 of the
7 Department of Agriculture Organic Act of 1944, as amended,
8 (7 U. S. C. 147a) is hereby further amended by adding
9 after the phrase “or to prevent or retard the spread of”
10 the words “insect pests, plant diseases, and nematodes, such
11 as imported fire ant, soybean cyst nematode, ~~witchweed,~~”
12 *witchweed, spotted alfalfa aphid,*”.

86TH CONGRESS
1ST SESSION

H. R. 3476

[Report No. 289]

A BILL

To facilitate the regulation, control, and eradication of plant pests.

By Mr. ABERNETHY

JANUARY 23, 1957

Referred to the Committee on Agriculture

APRIL 1, 1957

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 9, 1957
For actions of April 8, 1957
85th-1st, No. 61

CONTENTS

Administrative law.....16	Forestry.....21,41	Research.....9
Animal disease.....19	Housing, rural.....9	Roads.....24
Appropriations.....8	Information.....7	Small business.....33,43
Area development.....17,31	Insect control.....1	Soil bank.....28,38
Audit.....14	Lands.....20,44	Soil conservation.....14
Budget.....13,34	Livestock.....19,40	Statehood.....23,27
Corn.....12	Loans, farm.....1,37	Territories.....22
Cotton.....2	Organization.....37	Trade, foreign.....5
Deferred grazing.....11	Personnel.....45,32,36	Transportation.....26
Drought relief.....11	Plant pests.....1	Water, resources.....18,29
Electrification.....15,35	Poultry.....10,25	pollution.....39
Flood insurance.....6	Price supports.....2,3,30	Wildlife.....38
Food additives.....4	Property.....42	
	Reclamation.....16	

HIGHLIGHTS: Senate passed poultry inspection bill. Senate passed deferred grazing bill. House Rules Committee cleared plant pests control bill. House Committee reported bill to extend 1956 price supports for extra long staple cotton. Rep. Knutson criticized Secretary's position on price supports as reported in press. Rep. Lesinski introduced and discussed bill to provide health insurance program for Federal employees. Rep. Dingell urged technical assistance to depressed areas. Sen. Goldwater criticized budget. Senate committee reported bill to authorize training of Federal employees at public or private facilities. Senate committee reported bill to authorize this Department to make loans to desert-land entrymen.

HOUSE

1. INSECT CONTROL. The Rules Committee reported a resolution for consideration of H.R. 3476, to facilitate the regulation, control, and eradication of plant pests. pp. 4716, 4741
2. COTTON. The Agriculture Committee reported without amendment H.R. 3654, to amend the Agricultural Act of 1949 so as to continue the price support for extra long staple cotton at the 1956 rate (H. Rept. 312). p. 4741
3. PRICE SUPPORTS. Rep. Knutson criticized the Secretary's position, as reported in a newspaper, that he favors the elimination of all mandatory farm-price supports. p. 4735
4. FOOD ADDITIVES. Both Houses received from HEW a proposed bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of chemical additives which have not been adequately tested to establish their safety; to H. Interstate and Foreign Commerce and S. Labor and Public Welfare Committees. pp. 4654, 4740

5. FOREIGN TRADE. Rep. Bailey spoke in opposition to congressional approval for U.S. membership in the Organization for Trade Cooperation, and criticized the President's rejection of recent recommendations of the Tariff Commission under the escape clause of the Trade Agreements Act restricting the importation of certain products. pp. 4736-37
6. FLOOD INSURANCE. Rep. Sullivan criticized the delay in making Federal flood insurance available to the public, and inserted correspondence with the Federal Flood Indemnity Commissioner on the matter. pp. 4737-39
7. INFORMATION. Conferees were appointed on H.R. 4813, to extend the life of the D. C. Auditorium Commission. Senate conferees have not yet been appointed. p. 4708
8. APPROPRIATIONS. Passed with amendments H.R. 6500, the D. C. appropriation bill for 1958. pp. 4723-35

9. HOUSING. The Banking and Currency Committee reported without amendment H.R. 6659, to extend and amend laws relating to the provision and improvement of housing. (H. Rept. 313). p. 4741

The bill includes a provision directing the Housing and Home Finance Agency to carry out a study of farm housing, including development of information on the adequacy of existing housing, needs for housing, problems faced by farmers in connection with housing, interrelation of farm and city housing, etc.; provides that such research shall be conducted by the land-grant colleges and shall be financed by HHFA; and authorizes such grants not exceeding \$300,000 for each of the years 1958 and 1959.

SENATE

10. POULTRY. Passed with amendments S. 1747, providing for the compulsory inspection by this Department of poultry and poultry products (pp. 4667-81). Agreed to an amendment by Sen. Revercomb to limit such inspection to poultry about to be slaughtered at the processing plant (pp. 4674-5). By unanimous consent two typographical errors were corrected (p. 4667).
Sen. Malone inserted a Nev. Legislature resolution urging a Federal system of poultry inspection similar to that for other meats. p. 4658
11. DROUGHT RELIEF. Passed H.R. 2367, to provide a deferred grazing program for drought stricken areas, inserting the text of S. 511, and with an amendment by Sen. Johnson to provide payments equal to the fair rental value of the land instead of establishing this as the maximum (pp. 4683-4). pp. 4681-97
12. CORN. S. 1771, to provide for a 1957 corn-base acreage of 51 million acres, was made the unfinished business. p. 4697
13. BUDGETING. Sen. Goldwater criticized the current levels of Government spending and taxation, and inserted an anonymous article, "How Freedom Vanished In The Ancient World By Popular Vote." pp. 4698-4705
Received an Ark. Legislature resolution urging support of five constitutional amendments, including the Byrd-Bridges balanced budget amendment, the Reed-Dirksen amendment to limit the top rate of income taxes, and the Bricker amendment. p. 4655
14. SOIL CONSERVATION. Received an audit report from the Comptroller General of the Agricultural Conservation Program Service for fiscal 1955. p. 4654

CONSIDERATION OF H. R. 3476

APRIL 8, 1957.—Referred to the House Calendar and ordered to be printed

Mr. COLMER, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 223]

The Committee on Rules, having had under consideration House Resolution 223, reports the same to the House with the recommendation that the resolution do pass.



House Calendar No. 47

85TH CONGRESS
1ST SESSION

H. RES. 223

[Report No. 309]

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 1957

Mr. COLMER, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the Union
4 for the consideration of the bill (H. R. 3476) to facilitate
5 the regulation, control, and eradication of plant pests. After
6 general debate, which shall be confined to the bill and con-
7 tinue not to exceed one hour, to be equally divided and con-
8 trolled by the chairman and ranking minority member of the
9 Committee on Agriculture, the bill shall be read for amend-
10 ment under the five-minute rule. At the conclusion of the
11 consideration of the bill for amendment, the Committee shall
12 rise and report the bill to the House with such amendments

1 as may have been adopted, and the previous question shall be
2 considered as ordered on the bill and amendments thereto to
3 final passage without intervening motion except one motion
4 to recommit.

House Calendar No. 47

85TH CONGRESS
1ST SESSION

H. RES. 223

[Report No. 309]

RESOLUTION

Providing for the consideration of H. R. 3476,
a bill to facilitate the regulation, control,
and eradication of plant pests.

By Mr. COLMER

APRIL 8, 1957

Referred to the House Calendar and ordered to be
printed

If you think you can get along without it, that is all right, but you certainly will see some awful traffic bottlenecks there unless this new bridge is built to take over when the old bridge is condemned.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Iowa.

Mr. GROSS. It is simply my contention that the States of Virginia and Maryland and the District of Columbia ought to participate in the building of this bridge and all of these other bridges that are being built to serve particularly the needs of this area.

Mr. DAVIS of Georgia. I appreciate the gentleman's concern, but I think that has already been answered by those who have spoken to the point.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from California.

Mr. YOUNGER. Why is not this a part of the interstate highway, and why should it not be taken out of the special tax fund for the interstate highway?

Mr. DAVIS of Georgia. Well, I did not draw the legislation for either one. As I said, we are proceeding under the existing legislation here that these other bridges have been built under.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Is there any prospect of making this a toll bridge?

Mr. DAVIS of Georgia. I do not think so.

Mr. SMITH of Virginia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this is a question of some seriousness and some emergency because of the condemnation that is intended for this bridge.

What I would like to remind my friends is, in answer to this discussion that Virginia ought to pay part of the cost of this bridge, that the State of Virginia, like your own States, is not authorized to build bridges in other States. Now, the District of Columbia boundary is the high-water mark on the Virginia side. Virginia has no authority to build a bridge if we wanted to, and we could not. But the testimony of the engineers was very clear and very positive that this bridge had to be condemned in 1960. If you authorize it today it will take all of the time between now and the date of the condemnation of the bridge in order to have it ready when this other bridge is put out of commission. The engineers brought before the committee some things that shocked me, some exhibits of the steel in this bridge. We have these pieces of steel, as they were shown to us, that were broken entirely. Other were cracked with the constant vibration all day long.

This is a serious situation. It does not involve so much the State of Virginia or the State of Maryland or the State of Ohio, but it does very seriously involve the operation of the Government of the United States. Let us look at some of the things over there that the

Government put there; Virginia did not ask them to put them there. But in the first place there is the Pentagon Building. That is right at the approach to this bridge. The people working there have to get across the river in the morning to do their work and they have to get back at night. Then on the hill, half a mile away, you have the Navy Department Building. These are large buildings, where thousands of employees of this Government work; not of the State of Virginia, nor of the State of Maryland, nor of the State of Ohio, but of the Federal Government. The Federal Government put them there.

Then you have Fort Myer. You have the signal station just a little distance away. Then you have Fort Belvoir, a large Army engineer establishment with thousands of Government employees and members of the Armed Forces who have to get back and forth between there and Washington. Then you have further down the Quantico station, which is a large installation.

Incidentally, we have another little installation over there that affects many Members of Congress, the National Airport. Thousands of vehicles go over there every day.

So what are we going to do about it? I complain as much as anybody about the high cost of everything. I complain about these inaccurate estimates of what these projects are going to cost. I think the estimates ought to be more accurate. But we are confronted here with an emergency situation. The question is whether or not you are going to be able to build this bridge in time to take care of the Government installations. There are other bridges on the river. Virginia people who do not have business with the Government can change their hours a little bit and get across on some of the other bridges. But there are thousands and thousands of Government employees who have to punch a time clock and come in on time.

Mr. WIER. Mr. Speaker, would the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. WIER. There is one point in this bill that disturbs me a little bit, and I was going to ask a question about it of the chairman. I believe there is about \$1½ million in this bill for a draw span. I am told that there are only 1 or 2 boats that ever go beyond that bridge. They are only a couple of oil boats that go up the river; and that outside of that there is no use for a draw span in this bridge.

Mr. SMITH of Virginia. Mr. Speaker, this is a navigable river. We have a port at Georgetown, one of the oldest ports in the history of this country. It does a considerable business. I do not think the House of Representatives is ready as yet to do away with navigation on that river. As a matter of fact, that question came up in the Committee on the District of Columbia and the committee unanimously voted against closing the Potomac River to transportation. We do not know what the future developments of Georgetown Harbor may be. But if you do not have a draw on that bridge,

you will put a period to the future development of that harbor.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. WILSON of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WILSON of Indiana. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WILSON of Indiana moves to recommit the bill to the Committee on the District of Columbia.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HOFFMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 190, nays 131, not voting 111, as follows:

[Roll No. 52]

YEAS—190

Abbott	Fenton	Kilwan
Abernethy	Flood	Knutson
Albert	Forand	Landrum
Allen, Calif.	Ford	Lanham
Arends	Forrester	Lankford
Ashley	Fountain	Long
Ashmore	Frazier	Loser
Auchincloss	Frelinghuysen	McCarthy
Avery	Garmatz	McFall
Ayres	Gary	McGovern
Bailey	Gathings	McGregor
Baldwin	Gavin	McMillan
Bass, Tenn.	George	Mack, Ill.
Beckworth	Gordon	Mahon
Blatnik	Granahan	Mallard
Blitch	Gray	Mason
Boggs	Green, Oreg.	Matthews
Bolling	Gubser	Marrow
Bolton	Hale	Metcalfe
Bonner	Hardy	Miller, Calif.
Boykin	Harrison, Va.	Miller, Md.
Brooks, La.	Haskell	Mills
Brown, Ga.	Hays, Ohio	Morgan
Brown, Ohio	Hébert	Morris
Broyhill	Hemphill	Morrison
Burdick	Heseltun	Moss
Bush	Hess	Multer
Byrd	Hollfield	Murray
Byrnes, Wis.	Holland	Natcher
Canfield	Holmes	Neal
Cannon	Holt	Nicholson
Carnahan	Horan	Norblad
Christopher	Hosmer	Norrell
Clevenger	Huddleston	O'Brien, Ill.
Coad	Hull	O'Brien, N. Y.
Cole	Hyde	O'Hara, Ill.
Cooley	Ikard	O'Hara, Minn.
Cooper	James	O'Neill
Curtis, Mass.	Jenkins	Passman
Davis, Ga.	Jennings	Patman
Dawson, Ill.	Johnson	Perkins
Dellay	Jonas	Pilcher
Dempsey	Jones, Ala.	Poff
Denton	Karsten	Porter
Devereux	Kean	Preston
Dorn, S. C.	Kearns	Price
Doyle	Kee	Rains
Dwyer	Keeney	Reuss
Fallon	Kelley, Pa.	Rhodes, Pa.
Fascell	Kilday	Riley
Feighan	King	Rivers

Roberts
Robeson, Va.
Robson, Ky.
Rogers, Fla.
Rogers, Mass.
Saund
Scherer
Scott, N. C.
Scott, Pa.
Selden
Shuford
Sieminski
Sikes

Simpson, Ill.
Sisk
Smith, Miss.
Smith, Va.
Staggers
Stauffer
Steed
Tallo
Teague, Tex.
Thompson, N. J.
Thompson, Tex.
Trimble
Tuck

Udall
Ullman
Vanik
Vinson
Vorys
Wainwright
Watts
Whitener
Widnall
Wolverton
Yates

NAYS—131

Addonizio
Allen, Ill.
Andersen,
H. Carl
Andrews
Anfuso
Baker
Baring
Bates
Beamer
Belcher
Bennett, Fla.
Bennett, Mich.
Berry
Bow
Boyle
Bray
Brooks, Tex.
Broomfield
Brownson
Budge
Burleson
Byrne, Ill.
Cederberg
Chamberlain
Chelf
Chiperfield
Church
Collier
Colmer
Cunningham,
Iowa
Cunningham,
Nebr.
Curtin
Curtis, Mo.
Dague
Dawson, Utah
Dennison
Derounian
Dingell
Dixon
Dowdy
Evins
Fisher

Griffin
Griffiths
Gross
Hagen
Haley
Harden
Harrison, Nebr.
Harvey
Henderson
Herlong
Hiestand
Hill
Hoeven
Hoffman
Jensen
Johansen
Jones, Mo.
Kilburn
Kilgore
Knox
Laird
LeCompte
Lesinski
Lipscomb
McDonough
McIntire
McIntosh
McVey
Macdonald
Mack, Wash.
Madden
Marshall
Meader
Michel
Miller, Nebr.
Miller, N. Y.
Minshall
Moore
Moulder
Mumma
Nimtz
O'Konski
Ostertag
Pelly
Pfoft

Pillion
Polk
Rabaut
Ray
Reed
Rees, Kans.
Rhodes, Ariz.
Riehlman
Rodino
Rooney
Rutherford
St. George
Saylor
Schenck
Schwengel
Scudder
Seely-Brown
Sheehan
Siler
Smith, Calif.
Smith, Kans.
Smith, Wis.
Sullivan
Taber
Taylor
Teague, Calif.
Tewes
Thomas
Thomson, Wyo.
Tollefson
Utt
Van Zandt
Weaver
Wharton
Whitten
Wier
Wigglesworth
Williams, N. Y.
Wilson, Ind.
Winstead
Withrow
Wright
Younger
Zablocki

NOT VOTING—111

Adair
Alexander
Alger
Anderson,
Mont.
Andresen,
August H.
Aspinall
Barden
Barrett
Bass, N. H.
Baumhart
Becker
Bentley
Betts
Boland
Bosch
Bowler
Breeding
Brown, Mo.
Buckley
Byrne, Pa.
Carrigg
Celler
Chenoweth
Chudoff
Clark
Coffin
Corbett
Coudert
Cramer
Cretella
Davis, Tenn.
Delaney
Dies
Diggs
Dollinger
Donohue

Dooley
Dorn, N. Y.
Durham
Eberharter
Edmondson
Elliott
Engle
Farbstein
Fino
Flynt
Fogarty
Friedel
Fulton
Grant
Green, Pa.
Gregory
Gwinn
Halleck
Harris
Hays, Ark.
Healey
Hillings
Holtzman
Jackson
Jarman
Judd
Kearney
Keating
Kelly, N. Y.
Keogh
Kitchin
Kluczynski
Krueger
Lane
Latham
Lennon
McConnell
McCormack

McCulloch
Macrowicz
Magnuson
Martin
May
Morano
Osmers
Patterson
Philbin
Poage
Powell
Prouty
Radwan
Reece, Tenn.
Rogers, Colo.
Rogers, Tex.
Roosevelt
Sadlak
Santangelo
Scrivner
Shelley
Sheppard
Simpson, Pa.
Spence
Springer
Teller
Thompson, La.
Thornberry
Van Pelt
Vursell
Walter
Westland
Williams, Miss.
Willis
Wilson, Calif.
Young
Zelenko

On this vote:

Mr. Young of Texas for, with Mr. Radwan against.

Mr. Judd for, with Mr. Holtzman against.

Until further notice:

Mr. Aspinall with Mr. Corbett.
Mr. Engel with Mr. Gwinn.
Mr. McCormack with Mr. Martin of Massachusetts.

Mr. Anderson of Montana with Mr. Halleck.
Mr. Dies with Mr. Simpson of Pennsylvania.

Mr. Friedel with Mr. Hillings.
Mr. Alexander with Mr. Adair.
Mr. Thompson of Louisiana with Mr. Becker.

Mr. Willis with Mr. Dorn of New York.
Mr. Fogarty with Mr. Jackson.
Mr. Coffin with Mr. Springer.
Mr. Brown of Missouri with Mr. Fulton.
Mr. Thornberry with Mr. Morano.
Mr. Machrowicz with Mr. Carrigg.
Mr. Kluczynski with Mr. August H. Andresen.

Mr. Walter with Mr. Baumhart.
Mr. Lennon with Mr. Coudert.
Mr. Keogh with Mr. Cretella.
Mrs. Kelly of New York with Mr. Sadlak.
Mr. Santangelo with Mr. Scrivner.
Mr. Farbstein with Mr. Wilson of California.

Mr. Dollinger with Mr. Keating.
Mr. Teller with Mr. Latham.
Mr. Healey with Mr. Bentley.
Mr. Buckley with Mr. Fino.
Mr. Celler with Mr. Cramer.
Mr. Delaney with Mr. Bosch.
Mr. Powell with Mr. Betts.
Mr. Barrett with Mr. Bass of New Hampshire.

Mr. Green of Pennsylvania with Mr. Van Pelt.

Mr. Chudoff with Mr. Dooley.
Mr. Byrne of Pennsylvania with Mr. McConnell.

Mr. Boland with Mr. Reece of Tennessee.
Mr. Donohue with Mr. Vursell.
Mr. Zelenko with Mr. McCulloch.
Mr. Breeding with Mr. May.
Mr. Hays of Arkansas with Mr. Westland.
Mr. Zablocki with Mr. Krueger.
Mr. Jarman with Mr. Patterson.
Mr. Kitchin with Mr. Osmers.
Mr. Magnuson with Mr. Prouty.
Mr. Roosevelt with Mr. Chenoweth.
Mr. Lane with Mr. Kearney.

Messrs. ROONEY, JONES of Missouri, SCHENCK, and RHODES of Arizona changed their vote from "yea" to "nay."

Messrs. KELLEY of Pennsylvania, RHODES of Pennsylvania, and DELLAY changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

REGULATION AND CONTROL OF PLANT PESTS

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 223, Rept. No. 309), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3476) to facilitate the regulation, control, and eradication of plant pests. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and

ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AERONAUTICAL RESEARCH FACILITIES

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 224, Rept. No. 310), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3374) to promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

ANGLO-AMERICAN FINANCIAL AGREEMENT

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 225, Rept. No. 311), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of Senate Joint Resolution 72 to implement further the act of July 15, 1946, by approving the signature by the Secretary of the Treasury of an agreement amending the Anglo-American Financial Agreement of December 6, 1945. After general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

COLUMBIA HISTORICAL SOCIETY

Mr. McMILLAN. Mr. Speaker, I call up the bill (H. R. 4874) to amend the act of July 2, 1956, entitled "An act to exempt from taxation certain property

So the bill was passed.
The Clerk announced the following pairs:

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 12, 1957
For actions of April 11, 1957
85th-1st, No. 64

CONTENTS

Adjournment.....9	Farmer committees.....16	Plant pests.....1
Agricultural appropriations.....25	Food reserve.....16	Price supports.....16,22
Appropriations.....2,8	Foreign aid.....11,14	Reclamation.....4,12
Area development.....23	Information.....18	Research.....16
Budget.....10	Insect pests.....1	Roads.....6
Committee assignments....7	Investigations.....5	Soil bank.....2,16
Electrification.....12	Lands.....3	Statehood.....17
Employment.....24	Legislative program.....8	Territories.....17
Family farm.....16,21	Loans, farm.....20	Textiles.....11
Farm program.....16	Marketing.....20	Transportation.....16
	Personnel.....13,19	Virgin Islands.....15

HIGHLIGHTS: House received budget amendment reducing estimates for soil bank program. House passed plant pests control bill. House passed bill limiting military land withdrawals. House passed bill requiring certain Congressional approvals for small reclamation projects.

HOUSE

1. INSECT CONTROL. Passed as reported H.R. 3476, to facilitate the regulation, control, and eradication of plant pests. After passage the language of H.R. 3476 was substituted for that of S. 1442, a similar bill, which was then passed. H.R. 3476 was laid on the table. Conferees were appointed on S. 1442. pp. 4927, 4954-58, 4959
2. APPROPRIATIONS. Received from the President a budget amendment for the fiscal year 1958 involving a reduction of \$254,000,000 in the Soil Bank Program, thereby reducing the 1958 estimate to \$1,000,000,000 (H. Doc. 149); to the Appropriations Committee. p. 4969 This does not represent a "cut-back" in the program but reflects primarily a change in the estimated timing of the acreage reserve payments and a smaller participation in the 1957 conservation reserve program than had been estimated earlier.
3. PUBLIC LANDS. Passed with amendments H.R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the U.S. for military purposes shall not become effective until approved by act of Congress. pp. 4927, 4932-50

4. RECLAMATION. Passed with amendments H.R. 2146, to require congressional approval for certain small reclamation projects. pp. 4928-31
5. INVESTIGATIONS. By a vote of 225 to 143, agreed without amendment to H. Res. 191, to provide an increase of \$250,000 for investigations by the Interstate and Foreign Commerce Committee. pp. 4922-26
6. ROADS. Rep. Reuss spoke in favor of legislation to control advertising on U.S. highways, and inserted several letters supporting such legislation. pp. 4963-66
7. COMMITTEE ASSIGNMENTS. The Joint Economic Committee announced assignments to subcommittees on Economic Stabilization, Foreign Economic Policy, Fiscal Policy, Agricultural Policy, and Economic Statistics. p. D23
8. LEGISLATIVE PROGRAM. Rep. McCormack announced that the second urgent deficiency appropriation bill for 1957 will be considered Mon. after the Consent Calendar is called, the Private Calendar will be called on Tues., and the State, Justice, and Judiciary appropriation bill for 1958 will be debated later next week. p. 4926
9. ADJOURNED until Mon., Apr. 15. p. 4969

ITEMS IN APPENDIX

10. BUDGET. Rep. Johansen inserted a statement in favor of budget cuts sent by Rep. Bentley to his constituents. p. A2886
Rep. Green inserted a letter from the American Association of University Women supporting the budget. p. A2886
Rep. Colmer inserted an editorial urging reductions to 1956 budget levels, and noted "grassroots concern" over spending. p. A2889
Speech of Rep. Fulton comparing budget levels in Great Britain with those in the U.S. and urging Congress to follow their example in providing tax cuts. p. A2902
11. TEXTILES. Rep. Bailey inserted an editorial deploring foreign aid and low import duties as causes of depression in the textile industry. pp. A2886-7
12. ELECTRIFICATION; RECLAMATION. Rep. Green inserted a resolution from the Idaho-Oregon-Washington Hells Canyon Ass'n commending Rep. Ullman's efforts in the fight for a high Hells Canyon dam. p. A2889
Rep. Moss inserted an article on the income received from the Central Valley Project, Calif., in 1956. p. A2891
Extension of remarks of Rep. Dixon opposing H.R. 6575, to repeal the Colorado River Storage Project, and pointing to the fact that the low bid on the Glen Canyon dam was 25% below estimated cost. p. A2902
13. PERSONNEL. Extension of remarks of Rep. Rhodes criticizing the Justice Department for its assertion that Federal employees are not entitled to the benefits of workers in private industry, urging the Government to bring its policies in line with that of modern labor-management relations, and inserting a column by Joseph Young, "Justice Brief Puts Economy Above Benefits--Savings Get Priority Over Government Work Conditions." pp. A2889-91
14. FOREIGN AID. Rep. Flood inserted a letter recommending the extension of economic and technical aid to Poland. p. A2894

Mr. MARTIN. I yield to the gentleman from New York.

Mr. ROONEY. Mr. Speaker, I should like to inquire of the distinguished minority leader if it is not the fact that under the rules of the House this appropriation bill, to which the distinguished gentleman from Iowa referred, could be brought up on Monday next.

Mr. MARTIN. The rules require 3 days.

Mr. ROONEY. The 3-day rule which means 3 calendar days would have been complied with and the bill could be called up on Monday. So the gentleman from Iowa has an extra 24 hours to read the committee report. The bill and the report are comparatively brief documents. He has had the hearings, or was entitled to have the hearings, for the past week. It may very well be, I will say to the distinguished gentleman from Iowa, that when he finds out what the action of the full House Committee on Appropriations is on tomorrow, he will agree with that action and there may not need to be very much debate on this bill.

Mr. GAVIN. Mr. Speaker, would the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. As I understand it, the majority leader has indicated that no record votes will be taken before Wednesday; there will be none on Monday or Tuesday, or, if any are requested, they will be carried over until Wednesday?

Mr. McCORMACK. That is the understanding.

Mr. GAVIN. There was an agreement this week that record votes would be carried over until Tuesday, but we had one on Monday.

Mr. McCORMACK. There was no agreement with regard to this week.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. MARTIN] has expired.

FEDERAL PLANT PEST ACT

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 223 and ask for its immediate consideration.

The Clerk read, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3476) to facilitate the regulation, control, and eradication of plant pests. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN], and pending that I yield myself such time as I may consume.

(Mr. COLMER asked and was given permission to revise and extend his remarks.)

Mr. COLMER. Mr. Speaker, House Resolution 223 provides for the consideration of H. R. 3476, the Federal Plant Pest Act. The resolution provides for an open rule and 1 hour of general debate on the bill.

At the present time existing laws relating to the subject of plant pest control do not provide the authority to regulate the movement of plant diseases as such, or disease-bearing organisms, or certain plant pests which can injure or cause disease or damage in plants or their products. Title I of this bill will provide such authority and will also confer authority to make necessary inspections to carry out the provisions of the bill.

There is one major committee amendment which provides that a quarantine inspector must have a duly issued search warrant to search private premises and the amendment authorizes the issuance of such warrants.

Title II amends the list of insects and plant pests with respect to which the Department of Agriculture is authorized to conduct eradication and control campaigns. This will have the effect of permitting the Department to undertake eradication or control campaigns against pests related to those named without requiring, in each case, an amendment to the act.

H. R. 3476 was unanimously reported with several minor and the one major amendment by the Committee on Agriculture and the Department of Agriculture favors the enactment of this measure. It is not believed that the proposed legislation will necessitate any additional appropriations.

The committee report complies with the Ramseyer rule and I urge prompt action on House Resolution 223 so we may proceed to the consideration of this bill.

Mr. ALLEN of Illinois. Mr. Speaker, I have no requests for time.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MILITARY PUBLIC LAND WITHDRAWALS

Mr. O'NEILL. Mr. Speaker, I call up House Resolution 217 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for

amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(Mr. O'NEILL asked and was given permission to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and yield myself such time as I may require.

Mr. Speaker, House Resolution 217, providing for the consideration of H. R. 5538, the so-called military public land withdrawals bill, provides for an open rule and 1 hour of general debate on the bill.

H. R. 5538, unanimously reported by the Committee on Interior and Insular Affairs is substantially the same as H. R. 12185 which passed the House in the last Congress, with the exception of a few language changes to clarify the scope and procedure to be followed. The Senate did not consider H. R. 12185, thus the bill died in the last Congress.

The main objectives of the bill are:

First, to require an act of Congress before defense land acquisitions exceeding 5,000 acres can take effect, including public lands of the United States, Alaska, Hawaii, the outer Continental Shelf lands and Federal lands and waters off the coast of Alaska and Hawaii.

Second, the bill would make applicable to all military reservations and facilities the hunting, fishing, and trapping laws of the State or Territory in which such installation is located.

Third, the bill would amend in two particulars the Federal Property and Administrative Services Act of 1949, as amended. One amendment would except from the real property-disposition provisions of the 1949 act, minerals in withdrawn or reserved public domain lands which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws. The other amendment provides that only those withdrawn or reserved public domain lands surplus to the needs of the Federal agencies found by the Secretary of the Interior—with the concurrence of the Administrator of General Services—not suitable for restoration to public land status due to substantial improvements, would hereafter be subject to the real property disposition provisions of the amended 1949 act.

Finally, the bill would remove any questions concerning the laws which govern the disposal of and exploration for any and all minerals, including oil and gas, in public lands of the United States heretofore or hereafter withdrawn or reserved by the United States for the use of defense agencies.

The committee report complies with the Ramseyer rule and I urge the adoption of House Resolution 217 so the House may proceed to the consideration of H. R. 5538.

Mr. ALLEN of Illinois. Mr. Speaker, I have no requests for time.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 224 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3377) to promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN], and I yield myself such time as I may require.

Mr. Speaker, House Resolution 224 makes in order the consideration of H. R. 3377, the construction program for the National Advisory Committee for Aeronautics. The resolution provides for an open rule and 1 hour of general debate on the bill.

The purpose of the bill is to authorize construction, installation of equipment and the acquisition of land at three laboratories and the pilotless aircraft station of the National Advisory Committee for Aeronautics.

The work of this Committee falls into two principal categories. First, research to furnish new ideas and second, the application of new ideas to current military designs in cooperation with industry.

The program of the Committee, which has the approval of the Bureau of the Budget, calls for a total authorization of \$44,700,000. Twenty million, nine hundred and sixty-five thousand dollars of this amount is for new facilities for hypersonic research; \$5,655,000 for expansion of facilities for nuclear research; \$10,936,000 for the modernization of research facilities for the solution of new problems in the subsonic, transonic, and supersonic speed ranges; \$6,485,000 for modernization of supporting technical facilities and approximately \$658,000 for general plant and utility improvements, including land acquisition.

I urge the adoption of House Resolution 224 so the House may proceed to the consideration of this bill.

Mr. ALLEN of Illinois. Mr. Speaker, I have no requests for time.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SHERMAN, TEX., WATER UTILIZATION

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 3996) to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Sherman, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Chief of Engineers is hereby authorized to contract with the city of Sherman, Tex., upon such terms and for such period, not exceeding 50 years, as he may deem reasonable, for the use of not to exceed 11,000 acre-feet of storage space in Lake Texoma, for the purpose of providing said city a regulated water supply in an amount not to exceed 25,000 acre-feet annually: *Provided*, That the project for Denison Dam authorized by the Flood Control Act of June 28, 1938, as modified by section 4 of the River and Harbor Act of October 17, 1940, is hereby further modified accordingly: *Provided further*, That all moneys received shall be deposited in the Treasury of the United States as miscellaneous receipts: *And provided further*, That nothing in this act shall affect water rights under State law.

With the following committee amendment:

On page 1, line 3, strike out "Chief of Engineers" and insert in lieu thereof "Secretary of the Army."

The committee amendment was agreed to.

Mr. ALLEN of Illinois. Mr. Speaker, I move to strike out the last word. Will the gentleman from Minnesota explain the bill?

Mr. BLATNIK. Mr. Speaker, the legislation is similar to legislation which was passed in the 84th Congress in the event of an emergency to authorize the Secretary of the Army to enter into a contract to allow municipalities to use a certain amount of water from established reservoirs. The Secretary does have the authority in cases where the reservoirs have what is determined to be a surplus of water to act in such cases. But there is not a surplus of water in this instance. It is an emergency situation. The municipality of Sherman is in a serious water-shortage area. The Secretary of the Army approves this bill, and the Bureau of the Budget has no objection. Reimbursement is to be made by the municipality of Sherman for any losses that may result for the full utilization of the original purpose of the project either for navigation or hydro power.

Mr. ALLEN of Illinois. Did this bill come out of the Committee on Public Works?

Mr. BLATNIK. Yes.

Mr. ALLEN of Illinois. Has the matter been discussed with the ranking minority member of the Committee on Public Works?

Mr. BLATNIK. The ranking minority member does approve of it, but he is not here this morning. There is another member of the minority present who can speak for them.

Mr. SCHERER. The bill was reported out of the committee unanimously the other day.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMENDING SMALL RECLAMATION PROJECTS ACT OF 1956

Mr. ENGLE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 2146) to amend the Small Reclamation Projects Act of 1956.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 2146, with Mr. HERLONG in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. ENGLE] will be recognized for 30 minutes and the gentleman from Arizona [Mr. RHODES] will be recognized for 30 minutes.

Mr. ENGLE. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the purpose of this bill is to amend the Small Reclamation Projects Act of 1956. Notwithstanding its title, it does not authorize any appropriation nor does it cost any money. It is for the purpose of correcting some language in the act which the President of the United States thought, when he signed the bill, transgressed the constitutional provisions involving the separation of powers. The Small Reclamation Projects Act of 1956 provided for the participation by State and local agencies in the construction of small irrigation projects. When the bill got down to the White House, the information came up to us that certain sections of the bill were objected to because they transgressed what the White House regarded as the separation of powers. In the discussion of the matter with the people at the White House, I told them, as chairman of our committee that we would correct the language; and I am sure the Member from the other body as chairman of the corresponding committee in the other body, assured the President that we would undertake to make a correction of the language to have it accord with the usual procedures.

In order to get the matter before you I will read a portion of the President's message. It appears on page 3 of the committee report. The President said:

I have approved this bill only because the Congress is not in session to receive and act upon a veto message and because I have been

"Jimmy" Doolittle, a member of NACA for 8½ years. Also serving on this panel were Preston Bassett, former vice president, Sperry Rand Corp.; Arthur Raymond, vice president, engineering, Douglas Aircraft Co.; Vice Adm. Thomas S. Combs, Deputy Chief of Naval Operations for Air; and Lt. Gen. Donald L. Putt, Air Force Deputy Chief of Staff, development. After the panel's approval, the program was submitted to and approved by the National Advisory Committee for Aeronautics.

At present the members of the committee are:

Dr. James H. Doolittle, vice president, Shell Oil Co., chairman, elected in October of last year.

Dr. Leonard Carmichael, secretary, Smithsonian Institution, Vice Chairman.

Dr. Allen V. Astin, Director, National Bureau of Standards.

Mr. Preston R. Bassett, formerly vice president, Sperry Rand Corp., now retired.

Dr. Detlev W. Bronk, National Academy of Sciences, and president Rockefeller Institute for Medical Research.

Dr. Frederick C. Crawford, chairman of the board, Thompson Products, Inc.

Vice Adm. William V. Davis, Jr., Deputy Chief of Naval Operations, Air.

Dr. Jerome C. Hunsaker of Massachusetts Institute of Technology, formerly chairman for 15 years.

Mr. Charles J. McCarthy, chairman of the board, Chance Vought Aircraft, Inc.

Rear Adm. Carl J. Pfingstag, Assistant Chief for Field Activities, Navy Bureau of Aeronautics.

Lt. Gen. Donald L. Putt, Air Force Deputy Chief of Staff, Development.

James T. Pyle, Administrator of Civil Aeronautics.

Dr. Francis W. Reichelderfer, Chief, United States Weather Bureau.

Capt. E. V. Rickenbacker, chairman of the board, Eastern Air Lines, Inc.

Louis S. Rothschild, Under Secretary of Commerce for Transportation.

Gen. Nathan F. Twining, Air Force Chief of Staff, and recently named to head the Joint Chiefs of Staff.

These members all serve without compensation, and are appointed solely on the basis of their knowledge of the needs of aeronautical science.

As is very evident, the request made by NACA was not conceived on impulse. Much work and thought went into it.

H. R. 3377 reflects NACA's urgent need for additional facilities for research in the hypersonic speed range and the continuing need for modernizing existing facilities for the solution of new problems in the subsonic, transonic, and supersonic speed ranges.

The proposed research facilities have already been discussed. I would like to direct myself to the modernization phases of the program.

In the sum of appropriations, we have invested in NACA some \$325 million. Reproduction cost is probably closer to \$500 million. As many of you know, it is a very complex plant. It includes motors that produce up to 250,000 horsepower in a single tunnel, air-drying equipment, heating equipment, and all of the mechanical devices necessary to do research

in this complex technological field. It takes a certain sum to keep things current with the advances in the art.

It is proposed to expand the existing propulsion systems facility at the Lewis Laboratory by the installation of facilities to investigate the performances of engines up to 4½ times the speed of sound. These facilities will also permit the more extensive use of high-energy fuels in large full-scale engine tests.

Through the years we have given NACA the funds to continually keep the capacity of the propulsion systems laboratory in step with developments in the size and speeds of engines. This project will keep the propulsion system laboratory capable of meeting the problems of the engines that are now being designed.

Another item is a bypass system for the Ames Laboratory unitary plan tunnel which will substantially improve the usefulness and value of the 9- by 7-foot supersonic circuit of this tunnel by eliminating surging of the flow through the compressor which drives air through the two supersonic circuits of the tunnel which is encountered under some conditions, and by reducing power losses in the diffuser, resulting in some increase in maximum Mach and Reynolds numbers.

What this means is that the process of starting up this 200,000-horsepower compressor has to be done very carefully to avoid getting into conditions which would cause the flow to surge through the compressor.

It is possible by a modification of the tunnel circuit to eliminate this condition, and to greatly reduce the time required to bring the tunnel up to speed and to shut it down again.

You do not turn a 200,000-horsepower motor on and off by flicking a switch like a light switch. It has to be brought up to speed slowly. It is somewhat comparable to bringing up to speed the propulsion system on a battleship.

Furthermore, it is proposed that auxiliary suction be applied to the slotted test section of the Ames Laboratory 14-foot transonic tunnel for boundary layer removal. Since the design of the 14-foot transonic tunnel was completed, important advances have been made in transonic-tunnel design. The application of auxiliary suction to the plenum chamber surrounding the test section has proven to be the most beneficial of recent improvements to transonic tunnels. This improvement should be applied to the 14-foot transonic tunnel without further delay. A plenum chamber by the way is an enlarged chamber in an airflow system where the air moves at relatively low speed, similar to a settling basin in a waterflow system.

In his testimony before our committee, Dr. Dryden stated that for a long time it was not known how to make a wind tunnel that would operate at the speed of sound. As a result of an invention by one of NACA's scientists, for which he and his associates received the Collier trophy, the transonic wind tunnel was invented. Over the course of several years NACA made this modification to several wind tunnels so that they

could be run at the speed of sound. The transonic throat is a section of the tunnel that has holes or slots in its walls and which is surrounded by a closed tank. At the speed of sound, an ordinary closed wind tunnel blocks, or chokes. With the transonic throat the air has an opportunity to go out through the holes of the wall into the external tanks and then flow in again and thus to adjust to the model making it possible to reach the speed of sound. Now, if you suck the air out of the tanks, and put it into the tunnel farther downstream, it is possible to obtain a considerable improvement both in the quality of the flow and in the speed which can be attained. This project covers such a modification.

The addition of the boundary-layer removal system will permit the tunnel's effective model size to be doubled, will increase the Mach number limit from 1.2 to 1.4, and will reduce the need for overload operation of the main drive motors over most of the tunnel's speed range.

It is proposed to improve the airflow in the 11-foot transonic tunnel circuit of the Ames unitary plan tunnel. The acquisition of new knowledge on the characteristics of transonic test sections indicates that significant improvements in the quality of the airflow can be achieved by altering the method of venting the test section and by redesigning the bypassed air reentry region at the downstream end of the test section. The proposed modernization offers the possibility of a decrease in the Mach number variations in the test section and an improvement in the airflow at the diffuser entrance of sufficient magnitude to result in a decrease in the required tunnel drive power.

It is proposed to modify the Langley Laboratory 26-inch transonic blowdown tunnel by installing an alternate 20-inch square test section to extend the maximum attainable Mach number of the facility from about 1.4 to about 4.0. This tunnel is used primarily for flutter investigations. The nature of the flutter problem at the higher Mach numbers is relatively unexplored and is urgently in need of investigation.

In addition to modernizing the research facilities just discussed, it is also necessary to modernize three of NACA's supporting technical facilities.

The capabilities of the research vehicles used in the conduct of aeronautical research at the pilotless aircraft station at Wallops Island have exceeded the ability of the ground instrumentation to provide full coverage of a research flight. It is essential that modern instrumentation be provided to obtain urgently needed data in the hypersonic speed range. The project covers two tracking radars, telemeter, receiving equipment, an increased range Doppler system, and auxiliary equipment. A Doppler system is a type of radar for measuring the speed of a body moving away or toward the radar. The effect achieved is similar to that heard at a locomotive grade crossing. The locomotive's whistle increases as the locomotive approaches and decreases as it moves away.

A data-reduction center is required for the expansion and improvement of the automatic data-processing facilities at the Langley Aeronautical Laboratory. The complex problems involved in research at increased flight speeds and altitudes and on new aircraft configurations required for supersonic flight have greatly increased the amount of required data reduction and analysis. This new facility will centralize existing data-processing operations, improve efficiency, and provide on-line data-processing service for three major wind tunnels.

The increasing need for structures research at high temperature has made marginal an existing central compressor system at the Langley Aeronautical Laboratory which supplies air to several research facilities. An improved air supply for the internal flow laboratory will permit the installation of the necessary additional compressor capacity.

Mr. Chairman, we must maintain our air supremacy in order to survive. Probably no other single action can assure us of staying out in front than providing NACA with the tools it needs to make the airplane of tomorrow stay far ahead of any that any enemy can plan.

I join the other members in urging the approval of the bill before us.

(Mr. HESS asked and was given permission to revise and extend his remarks.)

Mr. DURHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Chairman, these days the newspapers and technical press are full of accounts about how fast we are going to shoot our missiles; and how fast we hope to fly in the days ahead.

Around the first of this month NACA announced that it had shot skyward from its Wallops Island station the first five-stage rocket-propelled research model. All that can be said at present is that it attained a greater speed than NACA's 4-stage rocket previously fired, which attained a maximum speed of nearly 7,000 miles per hour, and a height of nearly 200 miles. The 5-stage rocket's speed mark was achieved by firing the last 3 stages in sequence after the vehicle went "over the top" into the downward course. The first stage was an Honest John missile motor; the second stage, a Nike motor was fired on the upward course; and the other 3 stages, Nike, Recruit, and a commercial T-55 were fired after reaching the top and in sequence after burn-out to simulate re-entry into the earth's atmosphere. NACA uses rockets like this as a means of obtaining valuable information about aerodynamic heating and other problems of high speed flight.

The Bell X-2 research airplane has been flown faster and higher than man has ever ventured before. The press has widely reported—without confirmation or denial—that the X-2 surpassed 2,100 miles per hour and reached 126,000 feet altitude.

How fast we are progressing in the world of aeronautics is a fascinating subject. The achievements were not come by easily nor cheaply. A host of problems first had to be solved. Another

host of problems clogs the road ahead. I wish to comment briefly on the significance of high speed on problems affecting materials.

We are little past the beginning of the study of the awesome problems posed by the determination to project missiles at speeds of 15,000 miles per hour or faster along a ballistic trajectory over intercontinental distances. We have only recently learned how to design the tools we need in order to investigate the baffling problems of speeds above the low supersonic. Hypersonic flight which is flight faster than five times the speed of sound, or faster than 3,000 miles per hour—will generate enormously high temperatures by friction of the air upon the body moving through it.

At such speeds, air temperatures reach thousands of degrees Fahrenheit, and the problems of dealing with this heat are both pressing and complex. If people are to fly at such speeds, we have not only the problem of cooling the aircraft, the weapons system, fuel and electronic gear, but of cooling for the man or men inside. You know what can happen to metals in these circumstances.

At a Mach number of only 8, or 2,000 miles per hour, this rise is about 660° F. At a Mach number of 20, or 13,000 miles per hour, the rise would exceed 20,000°. That is hotter than the sun's surface.

At these speeds, then, the problem is what to do about heat, how to get rid of it. What kind of materials we shall use in the structures of our missiles and airplanes is an important aspect of the total problem.

The proposed NACA facilities we are considering here today will aid in dealing with such problems.

The research results of NACA are the foundation for the military, civil, and industrial development of superior aircraft and missiles. The rate at which NACA is able to attack and solve fundamental scientific problems limits the rate of progress in the development of aircraft and missiles in the United States. A strong NACA is essential to our national security.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HERLONG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H. R. 3377, to promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research, pursuant to House Resolution 224, he reported the same back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

CONTROL OF PLANT PESTS

Mr. ABERNETHY. Mr. Speaker, I call up the bill (H. R. 3476) to facilitate the regulation, control, and eradication of plant pests, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc.—

TITLE I. FEDERAL PLANT PEST ACT

SEC. 101. This title may be cited as the "Federal Plant Pest Act."

SEC. 102. As used in this act, except where the context otherwise requires:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Properly identified employee of the Department of Agriculture" means an employee of that Department authorized to enforce the provisions of the Plant Quarantine Act, and wearing a suitable badge for identification, or otherwise properly identified.

(c) "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(d) "Living stage" includes the egg, pupal, and larval stages as well as any other living stage.

(e) "United States" means any of the States, Territories, or Districts (including possessions and the District of Columbia) of the United States.

(f) "Interstate" means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport, or move, or allow to be moved, by mail or otherwise.

(h) "Plant Quarantine Act" means the act of August 20, 1912 (37 Stat. 315), as from time to time amended (7 U. S. C. 151 and the following).

(i) "Mexican Border Act" means the act of January 31, 1942 (56 Stat. 40), as from time to time amended (7 U. S. C. 149).

SEC. 103. (a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into

the United States, or interstate, of plant pests.

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved.

SEC. 104. (a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is hereby declared to be nonmailable, and will not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except when accompanied by a copy of a permit issued under this act.

(b) Nothing in this act shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this act shall not apply to any employee of the United States in the performance of his duties in handling mail.

SEC. 105. (a) Except as provided in paragraph (c), the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States, or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest, or which has moved into the United States, or interstate, and which he has reason to believe was infested or infected by or contained any such plant pest at the time of such movement; and any plant pest, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United States, or interstate, in violation of this act or any regulation thereunder: *Provided*, That this paragraph shall not authorize such action with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act.

(b) Except as provided in paragraph (c), the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under paragraph (a), or his agent, to treat, apply other remedial measures to, destroy, or make other disposal of such product, article, means of conveyance, or plant pest, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States district court, or to the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or plant pest is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoena for witnesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to

prevent the dissemination of plant pests new to or not theretofore known to be widely prevalent or distributed within and throughout the United States.

(d) The owner of any product, article, means of conveyance, or plant pest destroyed, or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States Court for the District of Columbia, within 1 year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for plant disease and pest control activities of the Department of Agriculture.

SEC. 106. The Secretary may promulgate such regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States, or interstate, and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests, in any situation in which such regulations are not authorized under the Plant Quarantine Act.

SEC. 107. Any properly identified employee of the Department of Agriculture shall have authority to stop and inspect, without a warrant, any persons or means of conveyance moving into the United States, and any plant pests and any products and articles of any character whatsoever carried thereby, to determine whether such persons or means of conveyance are carrying any plant pest contrary to this act and whether any such means of conveyance, products, or articles are infested or infected by or contains any plant pest or are moving in violation of any regulation under this act; to stop and inspect, without a warrant, any person or means of conveyance moving interstate, and any plant pests and any products and articles of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, products, or articles are infested or infected by or contains any plant pest or are moving subject to any regulation under this act, or that such persons or means of conveyance are carrying any plant pest subject to this act; and to enter, without a warrant, any premises, other than places subject to entry under section 15 of the Plant Quarantine Act, and other than dwelling houses, in the United States to make any inspections and seizures authorized under this act, upon probable cause to believe that there are on such premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this act.

SEC. 108. Any person who violates section 103 of this act, or any regulation promulgated under this act, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding 1 year, or both.

SEC. 109. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 110. The act entitled "An act to provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway

cars, other vehicles, and other materials entering the United States from Mexico," approved January 31, 1942 (56 Stat. 40; 7 U. S. C. 149) is hereby amended by deleting the provision that "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by and under the direction of authorized inspectors of the Department of Agriculture," and by substituting therefor the following: "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture."

SEC. 111. The authority conferred by this act shall be in addition to authority conferred by other statutes not specifically repealed hereby. Nothing in this act shall amend or repeal any of the provisions of the Plant Quarantine Act. The act entitled "An act to prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose," approved March 3, 1905 (33 Stat. 1269; 7 U. S. C. 141-144), and the act entitled "An act to prevent the entry of certain mollusks into the United States," approved September 22, 1951 (65 Stat. 335; 7 U. S. C. 441), are hereby repealed. However, all acts amended or repealed hereby shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to the defective date of this act. Nothing contained in this act shall affect the validity of any findings, regulations, or other orders, permits, or certificates, which were issued under any of the acts cited in this section prior to the effective date of this act and which are in effect on said date, but such findings, regulations, other orders, permits, and certificates shall remain in effect unless and until modified in accordance with this act.

TITLE II. ERADICATION AND CONTROL OF INSECT PESTS, PLANT DISEASES, AND NEMATODES

SEC. 201. Subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended, (7 U. S. C. 147a) is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed."

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read the committee amendments as follows:

Page 3, line 19, strike out "involved" and insert "involve."

Page 7, line 20, strike out "contains" and insert "contain."

Page 7, line 22, strike out "person" and insert "persons."

Page 8, line 2, strike out "contains" and insert "contain."

Page 8, beginning on line 5, strike out all after the semicolon through the period on line 12 and insert "and to enter, with a warrant, any premises in the United States, other than places which may be entered under section 15 of the Plant Quarantine Act, to make any inspections and seizures necessary under this act. Any judge of the United States or of a court of record of any State, Territory, or possession, or any United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this act, issue warrants for the entry of such premises to make any inspections or seizures under this act. Such warrants may be executed by any authorized employee of the Department of Agriculture."

Page 10, line 4, strike out "defective" and insert "effective."

Page 10, line 20, strike out the quotation marks and period and insert "spotted alfalfa aphid."

The committee amendments were agreed to.

Mr. ABERNETHY. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purpose of H. R. 3476 is: First, to redefine plant pests to include any living stage of such things as mites, nematodes, parasitic plants, and viruses, many of which were not recognized or fully covered in the Insect Pest Act of 1905 or the Plant Quarantine Act of 1912; second, to clarify and strengthen existing authority for preventing the entry into the United States and the interstate spread of plant pests; third, to provide authority not now available to the Department to take emergency action when necessary to safely dispose of such pests and the host plants or carriers that may be associated with them when intercepted at port of entry; and fourth, to authorize the Department to cooperate with States in preventing the spread of such pests across State lines.

The proposed legislation in no way changes the general intent of existing legislation; however, there have been advances in scientific knowledge and a tremendous increase in the volume of importations since existing legislation was enacted, which has focused attention on the need for strengthening certain provisions of the authority under which inspectors of the Department carry out their work. If the Department finds that some article moving in commerce or carried by passengers entering the United States is infested with a destructive pest not now widely distributed in this country, the authority in this bill would permit the Department to take such action as may be necessary to intercept such articles and to dispose of them in such a way as to give maximum protection to American agriculture.

In discharging these responsibilities the Department now relies on authority contained in the so-called Insect Pest Act which was passed in 1905; Plant Quarantine Act of 1912, as amended; Mollusk Act of 1951; and Mexican Border Act of 1942. In administering these laws the Department has been handicapped by certain statutory deficiencies, which have become increasingly apparent as the volume of imports has pyramided and airplanes arrive from remote parts of the world in a matter of hours. The bill under consideration provides the authority needed to meet these deficiencies.

Existing legislation does not provide authority to regulate the movement into or through the United States of insects or plant diseases that are not known to be notoriously injurious to cultivated crops. For example, mites, nematodes, parasitic plants, and viruses, which in recent years have been found to do extensive damage to plants or plant products, are not now covered. Likewise, existing legislation does not provide the authority that is needed to regulate the importation and interstate distribution of cultures of bacteria, fungi, and viruses

that may be imported for research purposes. In recent years the international exchange of such materials has been steadily increasing. Research of this type is conducted not only by Federal and State experiment stations, colleges, and universities, but by industrial, private, and semiprivate firms that may be engaged in the production of antibiotics or chemical controls. The proposed legislation would require that such importations be made under permit, and only after the Department is satisfied that no risk to American agriculture is involved.

There is need for additional authority for the Department to take emergency action with respect to destructive pests that may reach our ports as stowaways in ships, airplanes, or by other means when such pests are not associated with host plants or commodities now subject to quarantine.

Many of the most destructive insects and plant diseases that the farmers of this country must combat each year in order to produce a crop have been introduced from a foreign land at some time in the past. The boll weevil, the corn borer, the gypsy moth, the golden nematode of potato, and the khapra beetle are examples of some that have cost the farmers of this country millions of dollars annually, even though the Congress has appropriated millions of dollars to investigate ways and means of dealing with them.

The purpose of title I of this legislation is to provide the additional authority that is needed to give maximum protection against plant pests of all kinds that are not now established or widely distributed in this country, in this way reducing to the minimum the likelihood of further introductions similar to those I have named.

A few examples will serve to illustrate the magnitude of the job confronting the inspectors of the Department in meeting their responsibility. During the past year a shipment of India peanuts arriving at the port of New York was found to be infested with the khapra beetle, which is recognized the world over as one of the most destructive pests of stored grains and similar products.

Automobiles driven in Europe and then shipped back to this country have brought with them cysts of the golden nematode in the mud or soil adhering to the wheels and fenders. There is now no specific authority for preventing the entry of soil as such which the Department now knows may contain cysts of the nematode or seed of parasitic plants which, once established in this country, would be extremely destructive and costly to control. Without specific authority to take action the Department is now enlisting the voluntary cooperation of importers in preventing the entry or careless handling of cultures of viruses, bacteria, and fungi that cause destructive plant diseases, and similar organisms.

To summarize, this legislation is designed to strengthen the authority available to the Department to deal with problems about which there was little knowledge when existing legislation was enacted. It clarifies the intent of such

legislation and corrects the inadequacies that experience has shown to exist.

Title II amends subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended, to permit the Department to cooperate with the States in the eradication, suppression or control of the fire ant, the soybean cyst nematode, the witchweed, and similar pests not now named in the act. This added authority would authorize the Department to act promptly when a newly introduced insect or disease becomes established in a limited area and threatens to spread throughout the country.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this bill has the approval of the Department of Agriculture. It was reported unanimously by the Committee on Agriculture after hearings. The bill will not cost any more money than that which is already authorized or will be provided in the future by the Appropriations Committee. I trust that this legislation will be passed today in the House of Representatives.

(Mr. AUGUST H. ANDRESEN asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the Department of Agriculture lacks authority to regulate and control importation and movement of plant diseases and disease-bearing organisms.

It does not have authority under existing law to control mites, nematodes, protozoa bacteria, fungi, parasitic plants, or viruses which can injure plants.

It does not have authority to control imported fire ants, which are so destructive in Alabama, Mississippi, and Louisiana, and beginning to invade North Carolina and Texas.

These ants are especially destructive to seed, young plants, and attacks unprotected young animals and young poultry. They are even dangerous to babies and very small children. Their painful sting drives livestock out of the best pastures into the hills. Their mounds in many places are so numerous and so high that they seriously interrupt harvesting machinery in its proper functioning.

Another extremely destructive pest which USDA has no legal right to control is the spotted alfalfa aphid, which since 1954 has made serious inroads in Arkansas, Missouri, Kansas, Nebraska, Oklahoma, and Utah.

Again the USDA has no authority over the woodborers found in green poles from Belgium, over a new type of South American termites, or over a leafhopper coming into Hawaii by plane from the Far East.

Present laws are too restrictive. No one can predict just which new pests, bacteria, viruses, and so forth, can slip into this country, and certainly we cannot wait to pass laws giving USDA authority to cope with each particular pest. H. R. 3476 liberalizes present law to meet such emergencies.

The committee amendment to the bill gives USDA authority to enter with a

warrant any premises in the United States to make inspections. The Department may, under the provisions, make inspections and seizures in transportation vehicles as well.

The United States Department of Agriculture favors the enactment of H. R. 3476. Their letter is in the committee report, page 9.

COST

The committee report states:

It is not believed that title I of this bill will necessitate any additional appropriations.

This is a quotation from the Secretary's letter.

The report also states:

There will not necessarily be any immediate need for additional appropriations in connection with amendments made under title II. A high degree of State and individual farmer participation is expected. In the case of fire ants it is believed the major cost of eradication on private lands should be the major responsibility of the owner of the property.

Federal responsibility should be largely that.

Mr. HOEVEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, this is one bill coming from the Committee on Agriculture which all Members of the House can support wholeheartedly. It is a bill requested by the Department of Agriculture. It calls for no additional appropriation and is in the interest of the public health.

(Mr. HOEVEN asked and was given permission to revise and extend his remarks.)

Mr. BROOKS of Louisiana. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I wish to commend the committee members on both sides of the aisle for bringing in this measure. As has been well said, it cost no additional money but it is very vital.

I have received several appeals recently from the State authorities in Louisiana for assistance in reference to combatting the fire ant and other pests, but especially the fire ant which is very destructive in the southern part of the State and this part of the State is now under such great development in a mineral way and in other ways. I think it is most timely and I am very much in favor of the bill and commend the committee for its action in bringing the measure up for consideration at this time.

Mr. ELLIOTT. Mr. Speaker, in support of H. R. 3476 now before the House, I wish to confine my remarks to title II of the bill. This is the section that authorizes the Secretary of Agriculture to carry out operations or measures to eradicate, suppress, control, or to prevent or retard the spread of four new specific plant pests which includes imported fire ants. This section of H. R. 3476 is similar to a bill I introduced earlier, H. R. 5931.

The fire ant is now found in over 50 of Alabama's 67 counties, and it continues to spread rapidly. Only last week fire ants were found for the first time in 2 counties of the Seventh Congressional District of Alabama, which district I have the honor to represent.

The presence of the fire ant on our farms has great economic significance. Already the pest has done an estimated \$25 million in damages to Alabama farmers. It attacks germinating seed and young tender plants; it builds mounds that damage farm machinery; it interferes with harvesting of crops; and, its sting causes extreme irritation and pain to human beings.

The Alabama Polytechnic Institute Agricultural Experiment Station, the State extension service, officials of the State Department of Agriculture, and individual farmers have enlisted in the fight to get fire ants out of our fields, pastures, yards, and off landowners' backs.

However, Mr. Speaker, the job is too big for them to do alone. In spite of all the efforts expended by these groups, the pest has continued to spread, and the assistance of the United States Department of Agriculture is urgently needed.

I support the legislation now before the House of Representatives, and I urge its enactment.

Mr. SELDEN. Mr. Speaker, in the State of Alabama and in other States throughout the Southeast, the imported fire ant is spreading at an alarming rate. This insect was first observed in Alabama near the port of Mobile in 1918 and for many years apparently did very little damage. We are told by entomologists that a considerable length of time was necessary for this insect to adjust

to our climate and environment before it began to multiply rapidly. It has now spread from eastern Texas to North Carolina, and approximately 23 million acres of land are badly infested.

These ants range in length from one-eighth inch to one-fourth inch, and their mounds vary in height from approximately 6 inches to nearly 2 feet. Their damage is fourfold:

First. They frequently attack germinating seed and young plants and newborn animals.

Second. They build unsightly mounds that can damage farm machinery.

Third. They interfere with the harvest of crops.

Fourth. Their sting causes extreme irritation and may result in death.

According to the Department of Agriculture, the imported fire ant is now reported to be in 48 counties in the State of Alabama. The infestation ranges from the southern part of the State to four counties in the northernmost part that have recently reported a few mounds. The total infested acreage in Alabama is over 13 million acres.

Almost one-third of the acreage infested by the fire ant in Alabama is located in the eight counties of the Sixth Congressional District which I have the privilege to represent. As of March 1957, the affected part of my district totals 3,450,928 acres. A county-by-county breakdown on this infested acreage is included in the following statistical table:

Status of imported fire ant, 6th Congressional District of Alabama¹

County	Approximate initial date of discovery	Moderate damage first observed	Heavy damage first observed	Acreage as of March 1957
Sumter	December 1953	1954	1955	584,060
Greene	August 1955	(2)	(2)	407,744
Tuscaloosa	1953	1954	1957	844,600
Perry	1949	1951	1957	450,080
Bibb	1953	1956	1957	391,000
Shelby	1955	1956	Not yet severe	14,100
Chilton	1953	1956	1957	347,024
Hale	1954	1956	1957	412,320
Total				3,450,928

¹ Information secured from county agricultural agents of respective counties, Mar. 15, 1957.

² Agricultural agent of this county would not make an estimate of damage but said that in 1956 fire ants had become a nuisance to a moderate extent and by 1957 had become an extreme nuisance.

Classification of type of land affected in Congressional District 6, Alabama

	Acres
Cultivated	629,350
Open pasture	590,290
Wooded pasture	426,868
Woodland	1,780,970
City home premises	11,750
Farm home premises	11,700
Total	3,450,928

(Road rights-of-way charged to type of land adjoining.)

Assistant Secretary of Agriculture, E. L. Peterson, pointed out in a letter to me dated February 20, 1957 that efforts of individual property owners to control the fire ant have not been successful. "The imported fire ant," he said, "has spread to new areas and is rapidly becoming a major pest of pasture, cultivated crops, poultry, and livestock."

Since it had become increasingly apparent that the United States Department of Agriculture must participate in

any effective eradication program, I introduced on March 6, 1957, a measure (H. R. 5689) that would give to the Agriculture Department the authority necessary to eliminate or control pests such as the imported fire ant. The measure now under consideration (H. R. 3476) contains a similar provision, and I therefore urge its immediate adoption.

It should be pointed out at this time, however, that the passage of H. R. 3476 alone will not eliminate or control the imported fire ant. Additional legislation as well as the appropriation of funds will undoubtedly be necessary for the control and final elimination of this dangerous pest.

Mr. ROBERTS. Mr. Speaker, I wish to commend the distinguished gentleman from Mississippi [Mr. ABERNETHY] and the Committee on Agriculture for bringing to the House the bill now before us. I introduced a companion bill, H. R. 5948. The bill now before us simply fills

the gap which has existed for a number of years in the authority of the Department of Agriculture to protect American agriculture against invasion by foreign plant pest and disease.

I shall not discuss the main portions of the bill and will direct my remarks to section 201 which adds the imported fire ant as an additional pest and provides authority to carry out certain measures by Department of Agriculture in cooperation with the States and farmers in controlling the imported fire ant.

I cannot overemphasize the importance of this bill which is before the House; however, I must say that I do not believe this bill goes far enough or will be the answer for controlling the fire ant in the 11 Southern States where it is found today. The Fourth District of Alabama, as well as many other counties in the State of Alabama, is heavily invested with this pest which is now a major threat to agriculture in many of the States of the South. I think that it might be well to give the House some of the facts about the imported fire ant which emphasize the importance of taking every method possible to control this growing threat.

The fire ant originated in the southern tip of Argentina and, according to the best information available, entered the port of Mobile between 1920 and 1925, possibly in a shipment of fruit coming into the port. This ant was not identified as an imported pest or as anything more than a nuisance until several years later when, in 1949, it had spread over 20 counties in 3 States, being the States of Alabama, Florida, and Mississippi. The infestation is now found in over 100 counties in 10 States, and Alabama has the largest infestation with more than 13 million acres out of a total land area of 32 million acres. The fire ant is of economic importance because: First, it attacks germinating seeds and young tender plants, including cabbage, collards, broccoli, seed corn, and plant roots; second, it builds unsightly mounds which damage and interfere with power mowers and other machinery such as combines, harvesters, and so forth; third, it interferes with harvest of crops; and fourth, its sting causes extreme irritation and may result in death, and fifth, cattle will not graze near the mounds and these ants attack calves, pigs, quail, and all ground nesting birds. Farm labor in many cases will refuse to harvest crops such as strawberries and potatoes because of the vicious bite and poisonous sting. The imported fire ant has spread from Florida to Tennessee and from Texas to Virginia and will, unless a concentrated effort is made, cause untold economic damage to the entire Nation. It was demonstrated in the hearings held before the Abernethy subcommittee, that this pest may well live and travel to all parts of the United States. It was brought out that it comes from the southern tip of Argentina which has practically the same weather conditions and temperatures as is found in the United States. Because of its ability to dig holes, extending 4 or 5 feet in the ground, covered with a mound from 1 to 3 feet high, this

pest is undoubtedly one of the worst which has ever been faced by the farmer and cattleman in many years.

Three types of poison have been found effective in the control in this insect; namely, chlordane, as a 10-percent dust or 2½-percent emulsion spray; dieldrin and heptachlor. By applying 4 pounds of actual chlordane or 2 pounds of dieldrin or heptachlor per acre, effective control can be obtained for from 2 to 3 years. It is generally agreed that on Alabama pasturelands a minimum of 5 acres is required for a brood cow and calf. The average cost per acre of these poisons, according to a study made by the A. P. I., at Auburn, Ala., runs from \$3 to \$7 per acre; thus, it is seen that the cost per calf will run from a minimum of \$15 to \$35 per acre. Certainly it can be seen that the cost to the individual cattleman or farmer will be prohibitive, and these costs will sooner or later be reflected in the price to the consumer. Certainly in areas of the West which require around 40 acres for grazing per calf, the cost to the rancher and cattleman could well be hard to estimate.

The seriousness of this problem has been recognized by the Alabama delegation in Congress, and an effort to find ways and means of combatting this problem were discussed at a fire-ant conference called by me on March 12, 1957. A report of this meeting is as follows:

IMPORTED FIRE ANT CONFERENCE CALLED BY
CONGRESSMAN KENNETH A. ROBERTS OF
ALABAMA, MARCH 12, 1957

Members of Congress or their staff representatives from a number of mid-south States in which the imported fire ant has become a very destructive pest of raw crops, pastures, woodlands, lawns, and in households met with representatives of the Agricultural Research Service of the Department of Agriculture on the problem.

Information was developed that this is an introduced pest which slipped into the country and became established in the vicinity of Mobile, Ala. It was so well established by 1930 as to lead to the belief it had been in the area since at least 1925. The seriousness of the pest was recognized many years ago and the United States Department of Agriculture and State experiment stations of Alabama, Mississippi, and Louisiana have conducted considerable research to learn how to deal with this pest. For many years adequate chemicals were not available to use in an effective overall campaign. However, for a number of years the property owners were able to cope with the problem sufficiently to avoid extreme losses.

In recent months there has been an increasing number of requests for assistance as the imported fire ant has increased in density in old areas of infestation and in addition it has spread rather rapidly in the past 3 years. Reports indicate spread occurs by the ants flying from established colonies to establish new ones nearby, by drifting downstream on logs, by traveling aboard trucks, railroad cars, and by being transported in soil or nursery stock. In September of 1949 the fire ant was known to infest 9 counties in Alabama; 26 counties by 1953 and 51 counties by March 1957. Comparable spread has occurred in Mississippi, Louisiana, and western Florida. It appears to be firmly established in southeast Texas.

Infestations have been reported in Georgia, North Carolina, South Carolina, Tennessee, and Arkansas. With only partial surveys it is estimated there are over 20 million acres

currently infested with this pest. The greater portion of this acreage is located in Alabama, Mississippi, and Louisiana, but other States are evidently fast losing the battle to control this destructive imported fire ant. It is apparent the imported fire ant is capable of readily becoming established as far north as southern Kentucky and Virginia. Due to the fact the species is relatively inactive during the winter months, spending much of that time in the mounds which in addition to being built from 6 inches to 2 feet above ground, also extend a couple of feet underground, it is possible it may be able to become acclimated in areas still farther north.

The imported fire ant has a painful sting by sinking its powerful jaws into the flesh, then driving in its stinger and injecting an irritating fluid into the wound. There are authentic reports of serious injury to new-born calves and pigs, newly hatched quail, and other wildlife. Serious damage is caused to okra, collards, cabbage, eggplant, Irish potatoes, germinating seed corn, and root crops.

A very destructive characteristic of the species is its habit of building the hard, crusted mounds above ground as well as cells below ground. The feeding in the vicinity of the mounds seriously damages pasture lands or young, tender raw crops and clogs or damages machinery used on cultivated crops or in mowing pastures.

After receiving this technical information on the habits of the imported fire ant the southern delegation was desirous of determining what could be done to alleviate this serious situation. It was developed that currently the Department of Agriculture does not have adequate statutory authority to participate in any activity against this pest except to conduct research. Some of those present indicated they had introduced legislation to correct that phase of the matter. It was brought out that some 3 years ago the plant pest regulatory and control officials of the 11 Southern States had gone on record to the effect that the imported fire ant should be handled as the direct responsibility of the property owner with guidance from the Agricultural Extension Service. However, the recognized failure of that approach had resulted in these officials meeting in Mobile, Ala., on March 11 and 12, 1957, to reconsider the problem in the light of developments. It was indicated that a proposed plan of meeting the situation would very likely be drawn up in Mobile. Representatives of the Department were present at Mobile for rendering whatever assistance possible as were State research authorities who have been working on the problem. The conference in Washington on March 12 brought to light the fact that the United States Department of Agriculture does not have any funds for use in meeting any of the costs of bringing this very serious pest under control.

I join with the Agriculture Committee in support of the Abernethy bill; however, I am confident that the passage of this bill is only one of the steps that must be taken in controlling this threat to agriculture and the cattle industry of Alabama and the Nation.

I urge the House to pass this legislation without further delay. The farmers and cattlemen need help and need it now.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONTROL OF PLANT PESTS

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1442) to facilitate the regulation, control, and eradication of plant pests.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed."

Mr. ABERNETHY. Mr. Speaker, I offer an amendment to strike out all after the enacting clause and to substitute the language of the bill, H. R. 3476, as just passed by the House.

The Clerk read as follows:

Strike out all after the enacting clause and insert the provisions of H. R. 3476 as agreed to.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed.

A similar House bill (H. R. 3476) was laid on the table.

A motion to reconsider was laid on the table.

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1442) to facilitate the regulation, control, and eradication of plant pests, with a House amendment thereto, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none and appoints the following conferees: Messrs. COOLEY, POAGE, GRANT, AUGUST H. ANDRESEN, HILL, HOEVEN, and ABERNETHY.

PASSOVER

(Mr. LANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANE. Mr. Speaker, in the spirit of interfaith brotherhood, we honor the sacred season of Passover, which is one of the most important religious holidays in the lives of our Jewish friends.

This year, Passover extends from sundown of April 15, to sundown of April 23. By a timely coincidence, it covers the period during which the Christian world celebrates the joyous festival of Easter.

Passover is one of the oldest of religious observances, tracing its origin to the book of Exodus in the Old Testament.

It recalls the hardships suffered by the Jews during their bondage.

The faith that sustained them during this ancient adversity, and during the persecutions they have suffered since at the hands of the ignorant, developed the patience, wisdom, and humanitarian outlook that we admire in the Jewish people today.

It is that same faith that has provided a sanctuary for their oppressed brethren in the young Republic of Israel, which is the most progressive nation in the Middle East.

In extending greetings to the Jewish people on this reverent occasion, we compliment them upon the reestablishment of their homeland.

As passover is celebrated in commemoration of the deliverance of the Jews from Egypt, thousands of years ago, we are reminded that history sometimes repeats itself.

In 1957, the Republic of Israel, asking only for the peace in which it will have freedom to build a happy and prosperous community for its people, finds itself beset by harassment from one envious neighbor in particular.

On this passover, our hearts go out to our Jewish friends, praying with them for the deliverance of the Jews from Egypt.

The Republic of Israel is here to stay, and the sooner that Egypt realizes this, the sooner she will improve the lot of her own people, and go forward in common progress with her neighbor, Israel.

LUDLOW MASSACRE OF 1914

(Mr. McGOVERN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. McGOVERN. Mr. Speaker, Saturday, April 20, will mark the 43d anniversary of a tragic episode in American labor struggles, the Ludlow massacre of 1914.

At a time when some persons are condemning the entire labor movement because of one unethical personality, it is fitting that we recall this episode which symbolizes the sacrifices of courageous men and women who fought for the dignity and freedom of labor that we enjoy today.

Several years ago as a graduate student at Northwestern University I completed a doctoral dissertation covering the great Colorado coal strike of 1913-14. This was the bitter struggle between the miners of southern Colorado and the coal-mine operators that culminated in what has been known from that day to the present as the Ludlow massacre. It was my careful examination of all the aspects of this heartrending chapter in our industrial development that first convinced me of the vital relationship between a strong, healthy labor movement and effective political democracy. There is no doubt in my mind that the high degree of organization of management in our industrial society makes it imperative that working men and women

be well organized if either economic or political freedom is to survive in this land.

As stated in 1916 by the United States Commission on Industrial Relations following its study of conditions leading up to the Colorado strike: "Political freedom can exist only where there is industrial freedom."

This is the costly lesson of Ludlow and it is a lesson that has its counterpart in scores of similar industrial struggles.

The surface story of "The Ludlow Massacre" is that 11 children and 2 young mothers died in the burning of the strikers' tent colony at Ludlow, Colo., when the tents were burned during an all day gun battle between the strikers and the State militia. But the real significance of Ludlow is far deeper than this cruel fact.

The coal strike which culminated in the affair at Ludlow was vastly more than the usual effort to win improved working conditions. It was an all-out attempt by some 10,000 miners and their families to break the despotic grip of a handful of coal corporations over every phase of economic, political and social life in the southern Colorado coal towns. The miners and their leaders had come to the firm conclusion that they could not achieve even elementary American freedoms except through recognition of their union by the coal operators. This was an objective which the operators fought with every resource at their command including an army of private armed guards, detectives, barbed wire barricades, armored cars, labor spies, strikebreakers and pliable jurists, public officials, editors and publicists.

When the Governor sought to restore order between the striking miners and the armed guards of the operators, his efforts were frustrated as the militia came to be identified more and more with the operators. Over a period of months the militia ranks were gradually infiltrated with men spoiling for a showdown with the miners.

That showdown came on April 20, 1914, when a large tent encampment of miners and their families located near Ludlow came under attack by the militia. No one knows who was responsible for starting the battle, but it was a war to the death that resulted in tragic losses on both sides. Only the intervention of well disciplined Federal troops acting under instructions of President Woodrow Wilson ended the violence.

It was the shocking discovery of the bodies of 13 women and children in a pit under one of the striker's tents following this episode that centered the attention of the entire country on the pathetic conditions confronting the miners of Colorado. They had crawled into the pit to escape the militia gunfire and were suffocated when the tents were fired.

It is not too much to say that the Ludlow affair was one of several turning points in the American labor story that awakened the American people to the serious consequences of irresponsible industrial management. It demonstrated in graphic form the limits to which selfish industrialists would go rather than

surrender a measure of their power over the men who daily risked their lives in the dangerous occupation of digging coal.

As we approach the anniversary of Ludlow, I would like to salute the brave men and women, and the innocent boys and girls who died there in a struggle that has contributed significantly to the standards of dignity and decency that now characterize American industrial relations. I think it is peculiarly appropriate that this labor anniversary comes in the meaningful period between Good Friday and Easter Sunday.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

[Mr. SCHWENGEL addressed the House. His remarks will appear hereafter in the Appendix.]

The SPEAKER. That bill has not been reported from the committee, I will say to the gentleman.

Mr. SCHWENGEL. Mr. Speaker, it may be reported from the committee; is that right?

The SPEAKER. Under the rule it has to lie over for 3 days, if anybody objects to taking it up immediately.

Mr. SCHWENGEL. We could take it up by unanimous consent, could we not?

The SPEAKER. We can do almost anything by unanimous consent, but sometimes it is very improbable that we would get unanimous consent.

Mr. SCHWENGEL. Mr. Speaker, I think we ought to leave the door open so that we can act. I think everybody wants the Post Office Department to function.

Mr. McCORMACK. Mr. Speaker, there are some statements the gentleman has made on some other occasions that I would gladly argue, but it would not do any good to do that in this case. I might say to the gentleman that he may object, if he wishes, and we can meet tomorrow, and if any Member wanted to make any speech, I would see that he is protected. But then I would have to move to adjourn. There is no legislative business for tomorrow. The full Committee on Appropriations meets tomorrow, and the earliest we can get that bill up would be Monday.

There are some Members on this side who are trying to cooperate in this matter, looking at it from the viewpoint of the general public. Some of us can discuss what the Postmaster General has done, whether he spent money too quickly or not; but that is not going to do any good now. Some other time it would be in order. The question that many of us do have in mind is the service to the general public.

Let me say to the gentleman that he is not doing any good to object to this request at this time. Of course, I am not going to ask him not to object, be-

cause I am not going to put myself in a position of pleading with him. But the matter cannot be brought up before Monday; that is all there is to that. The gentleman may do anything he pleases.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

Mr. JENSEN. Mr. Speaker, reserving the right to object, is it not possible to agree unanimously here today that we shall meet tomorrow and that the first order of business shall be the consideration of the deficiency appropriation which the Postmaster General, Mr. Summerfield, has requested? Would not that be in order?

The SPEAKER. The Chair could not entertain a request like that for the simple reason that the chairman of the full committee and the chairman of the subcommittee are not here. Very few members of the Committee on Appropriations are present at this moment.

Mr. JENSEN. Mr. Speaker, I am sorry that that situation prevails. We had a discussion yesterday or the day before for an hour or so regarding this request of the Postmaster General. It was thoroughly discussed at the time. I thought it was the understanding that we were to have a session tomorrow and that that would be the first order of business.

The SPEAKER. There has not been any such understanding with the leadership on this side, and I doubt that there has been with the leadership on the gentleman's side.

Mr. SCHWENGEL. Mr. Speaker, may I address one other question to the gentleman from Massachusetts?

Mr. McCORMACK. I shall be happy to hear the gentleman's question.

Mr. SCHWENGEL. May I have the gentleman's assurance that there will be some objection under any circumstances tomorrow to taking up the Post Office appropriation deficiency?

Mr. McCORMACK. I can give the gentleman no assurance. The gentleman asks me to assure him that there would be an objection raised tomorrow. I could not guarantee that and I would not. I certainly could not permit any such unanimous request at this time when most of the Members have left the floor and when the legislative business of the day has been completed. If the gentleman objects and we meet tomorrow, and if anyone is recognized to submit that unanimous-consent request, then I do not know what will happen tomorrow. I want to be frank with the gentleman.

Mr. SCHWENGEL. May I direct this question to the gentleman from Iowa, a member of that committee. In the gentleman's opinion, would the committee act favorably upon this request?

Mr. JENSEN. I can answer that question only by saying I am sure a great majority of the members of the Appropriations Committee understood at least by reading the newspapers that this matter was going to be disposed of on Friday, and the general public understood that.

Mr. McCORMACK. There was no such impression.

Mr. JENSEN. Whether the leadership has so committed itself, I do not know.

Mr. McCORMACK. I stated yesterday that if we disposed of the legislative business today we would go over until Monday if unanimous consent for that was obtained. The gentleman is making a statement in good faith, but I can assure him it is upon entirely erroneous premises.

Mr. JENSEN. I was not here when the gentleman made the statement. I was in the committee hearing.

Mr. McCORMACK. I am not accusing my friend of making an incorrect statement. I say the gentleman made the statement in good faith but on incorrect premises, because there was never any statement made about Friday except that if we disposed of the legislative business on the agenda for today we would then go over until Monday.

Mr. JENSEN. The Post Office Department is in a quandary.

Mr. McCORMACK. I think if the Postmaster General gets enough money there will not be much difficulty. Do not disturb too much.

Mr. JENSEN. I do not want to disturb at all.

Mr. McCORMACK. I did not say the gentleman was disturbing, I said do not disturb too much.

Mr. MARTIN. Mr. Speaker, will the gentleman yield that I may make an effort to clarify the situation?

Mr. SCHWENGEL. I yield to the gentleman from Massachusetts.

Mr. MARTIN. I think if the gentleman from Iowa were informed that he would be unable to get that permission anyway, that at least one Member on the other side would object to the consideration of the legislation, his conscience would probably be met and he would not insist on it.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that when the House adjourns today it adjourn to meet on Monday next?

Mr. SCHWENGEL. I would like to have some assurance there would be an objection.

The SPEAKER. The Chair can assure the gentleman there would be an objection tomorrow.

Mr. SCHWENGEL. Then I withdraw my objection.

Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

Mr. SCHWENGEL. Mr. Speaker, on the 4th of February the Members of the other body acted upon the confirmation of a great American, Arthur Summerfield, the man who has served his country with distinction, who has made more progress and exemplified a finer leadership than almost anyone who has ever served in the office of Postmaster General of the United States.

The record shows that he was unanimously approved by the Senate. Rarely has anyone who has served in this capac-

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 9, 1957
For actions of May 8, 1957
85th-1st, No. 76

CONTENTS

Acreage reserve.....30,37	Forestry.....3	Public debt.....47
Appropriations.....52	Freight cars.....41	Reclamation.....19,50
Atomic energy.....33	Grain standards.....39	Recreation.....12
Budgeting.....17	Housing.....11,8	Research.....16,23
Census.....6	Insect control.....5	Roads.....34,45
Conservation.....29,56	Lands.....3,20	Small business.....22
Dairy products.....38	Livestock.....49	Soil bank.....31,37
Depressed areas.....36	Loans, housing.....8	Statehood.....21
Electrification.....7,27	farm.....56	Stockpiling.....14
Farm-City Week.....44	Manpower.....23	Sugar.....13
Farm credit.....10	Mining claims.....43	Tariff.....42
Farm income.....6	Natural resources.....15	Taxation.....28
Farm program.....9,26	Newsprint.....11	Textiles.....35,49
Feed program.....4	Peanuts.....40	Tobacco.....55
Fiscal requirements.....48	Personnel.....46,51	Trade, foreign.....2
Food costs.....25	Poultry.....54	Transportation.....53
Foreign aid.....24	Property.....18	Wool.....32

HIGHLIGHTS: Senate passed measures: Requiring Census to develop farm income data by economic class of farm; facilitating control of insect and plant pests; requesting Secretary to study overall feed grain program. Sen. Symington criticized farm program. Rep Krueger inserted Secretary's N. Dak. speech. Sen. Ellender introduced bill to permit charges for grain standards inspection appeals. Sen. Murray and Reps (continued page 6)

HOUSE

1. HOUSING. Began debate on H.R. 6659, to extend and amend laws relating to the provision and improvement of housing, including a provision for a study of farm housing. pp. 5880-5919
2. FOREIGN TRADE. Rep. Bailey spoke in favor of his bill (H.R. 5102) to prevent the "dumping" of foreign products in the U. S. market at prices below similar products made in the U. S. pp. 5925-26

SENATE

3. LANDS. Passed without amendment S. 359, to permit desert-land entries on disconnected tracts of land aggregating less than 320 acres. p. 5817
Passed as reported S. 45, authorizing the Secretary to sell certain National Forest lands to Central, N. M. p. 5819
Passed as reported S. 1574, providing aid to establish a Coulee Dam community. pp. 5821-4
4. FEED PROGRAM. Agreed, as reported, to S. Res. 125, requesting the Secretary to study methods of providing an overall feed grains program. p. 5820

5. INSECT CONTROL. Concurred in the House amendment to S. 1442, to facilitate the control and eradication of plant pests. This bill will now be sent to the President. pp. 5824-5
6. CENSUS. Passed without amendment S. 405, to require the Census Bureau to develop farm income data by economic class of farm. pp. 5820-1
7. ELECTRIFICATION. Sen. Neuberger commended Sens. Byrd and Robertson for their opposition to fast tax writeoffs for the Idaho Power Co.'s Hells Canyon project, and inserted two editorials on the same. pp. 5830-1
8. HOUSING LOANS. Sen. Morse criticized the Administration's credit policy and inserted an article on the slump in the building industry. pp. 5863-5
9. FARM PROGRAM. Sen. Symington criticized the present farm program and inserted a letter from a Mo. judge criticizing the Secretary. pp. 5794-5
10. FARM CREDIT. Sen. Church criticized the Administration's credit policies which, he said, were "adding to the farmers' burden." He inserted a letter from the Nez Perce National Farm Loan Ass'n criticizing the increase in farm loan interest rates. p. 5800
11. NEWSPRINT. Passed over S. Con. Res. 20, authorizing an investigation of the newsprint industry by the FTC, at the request of Sen. Talmadge. p. 5813
12. RECREATION. Passed over S. 1164, to make the evaluation of recreation benefits an integral part of public works project planning, at the request of Sen. Barrett. p. 5815
13. SUGAR. Agreed to remove the injunction of secrecy on Executive L of this session, a protocol amending the International Sugar Agreement of 1953. p. 5832
Received a Hawaii legislature resolution urging the Secretary to increase the price of raw sugar under the Sugar Act. pp. 5766-7
14. STOCKPILING. Sen. Bible inserted the resolutions of the Western Governor's Conference, including their resolution urging an increase in the barter of surplus agricultural products for mineral and metal for our defense stockpile. p. 5769
15. NATURAL RESOURCES. The Interior and Insular Affairs Committee reported with amendments S. Res. 78, authorizing a study of Eastern Hemisphere raw materials and resources (S. Rept. 288). p. 5769
16. RESEARCH. The Committee on Rules and Administration reported with amendment S. Res. 131, authorizing the printing of the report of the Commission on Increased Industrial Use of of Agricultural Products. p. 5770
17. BUDGETING. Sen. Johnson discussed the current budgetary situation and the "conflicting advice" Congress is receiving regarding possible reductions in it. pp. 5798-99
Sen. Neuberger discussed current criticism of the budget, and inserted a letter urging a reduction. pp. 5800-01
18. PROPERTY. Received from the Department of HEW a report covering personal property made available for distribution to public health and educational institutions and civil defense organizations pursuant to the Federal Property and Administrative Services Act of 1949. p. 5759

those prescribed in this act, the Secretary shall consult with the representatives of the Coulee Dam Community as determined by him.

SEC. 4. Paragraph (3) of subsection 223 (a) of the National Housing Act, as amended, is hereby amended by inserting after the words "Tennessee Valley Authority" the words ", or of any housing under the jurisdiction of the Department of the Interior located within the town area of Coulee Dam, Wash., acquired by the United States for the construction, operation, and maintenance of Grand Coulee Dam and its appurtenant works: *Provided*, That for the purpose of the application of this title to sales by the Secretary of the Interior pursuant to subsections 3 (b) (1) and 3 (b) (2) of the Coulee Dam Community Act of 1957, the selling price of the property involved shall be deemed to be the appraised value."

SEC. 5. The appraised values referred to in section 3 of this act shall be determined from time to time for a period of 5 years after the date of this act by the Administrator of Housing and Home Finance Agency or his designee at the request of the Secretary. Thereafter, the Secretary may make such reappraisals as he deems necessary. Appraisals or reappraisals in the town area shall be made only after representatives of the Coulee Dam community, as determined by the Secretary, and of the Columbia Basin Commission, or such corresponding organization as may succeed it, have been granted an opportunity to offer advice. All appraisals and reappraisals shall be made on the basis of the properties' fair market value in the locality. In the sale of property to a tenant under subsections 3 (b) (1) and 3 (d) (1) of this act, the value of structural improvements made at such tenant's own expense shall, to the extent the appraiser or appraisers hereunder determine that such improvements actually enhance the value of the property, be deducted from what would otherwise be the appraised value of the property to be sold; and the difference shall be deemed the appraised value for the purposes of this act.

SEC. 6. The Secretary is authorized to transfer without cost out of the properties in his custody within the town and Grand Coulee areas ownership of—

(a) any federally owned municipal-type property and facilities together with rights-of-way therefor, equipment, materials, and supplies, in or serving said areas, including but not limited to the sewer, water, fire-alarm, street-lighting, electric feeder lines, and power-distribution systems, and the highways, streets, alleys, sidewalks, parks, and parking areas to the municipality or Grand Coulee if their respective areas are substantially served by such properties. Any such transfer to the municipality, however, will not be made unless the town area or a part thereof is incorporated within 4 years from the date of this act;

(b) the school buildings and grounds, athletic fields, tennis courts, and other properties currently used for educational purposes to the appropriate school district; and

(c) highway improvements in and connecting the town and Grand Coulee areas and the bridge across the Columbia River, together with the necessary rights-of-way therefore to the State of Washington.

SEC. 7. (a) There is hereby made available out of the proceeds of sales made pursuant to section 3 of this act an amount not to exceed \$130,000 for expenditure, directly or through the local units of government involved, for work in connection with the disposal of sewage in the immediate vicinity of the town of Coulee Dam and the city of Grand Coulee, including betterment work on the existing open drain along the north side of the highway through the city of Grand Coulee. Of this amount the Secretary shall pay not more than \$100,000 to Grand

Coulee and not more than \$30,000 to the municipality. Except to the extent that any expenditures have been made directly as provided in the preceding sentence, the Secretary shall, upon application, pay to Grand Coulee the amount of \$10,000 and to the municipality the amount of \$3,000 for engineering surveys and drafting of specifications for proposed construction and/or improvement of sewage disposal and drainage facilities. After final drawings and specifications have been approved by the Secretary and the construction contracts have been entered into, the Secretary shall pay monthly to Grand Coulee and to the municipality additional amounts equivalent to earnings under their contracts as evidenced by construction progress reports certified by their contractors and by Grand Coulee and the municipality, but not to exceed a total of \$90,000 for the former and \$27,000 for the latter.

(b) Subject to the provisions of subsection 9 (a) of this act, the following amounts shall be made available, out of the proceeds of sales made pursuant to section 3 of this act, to the municipality if incorporated within 4 years from the date of this act: (1) On incorporation, \$44,000; (2) at the end of 1 year after incorporation, \$21,000; and (3) at the end of 2 years after incorporation, \$15,000.

(c) The Secretary is hereby authorized to make available as herein provided, as power and energy reserved for the operation and maintenance of the Columbia Basin project, for users in the town area and, to other communities within $3\frac{1}{2}$ miles of Grand Coulee Dam which are served by municipally owned distribution systems such amount of power and energy as, in his judgment, is needed to meet load requirements for space-heating purposes existing at the time of incorporation of the municipality. Such power and energy may be made available directly to the users or indirectly through distributing agencies, for a period of 10 years from the date of this act, and may be at such special rates as the Secretary finds to be proper but at not less than cost.

SEC. 8. Property sold under any contract deferring transfer of title pending payment of the purchase price upon recordation of such contract in the county records shall be subject to the provisions of the laws of the State of Washington relating to the assessment and collection of property taxes, and to liens for such taxes and to all proceedings for the enforcement thereof, if the same manner and to the same extent as privately owned property. The United States does not assume any obligation for the amounts so assessed or taxed; and any proceedings to enforce them shall be subject to any title then remaining in the United States and to any prior lien reserved to the United States for unpaid installments under sale contracts made hereunder.

SEC. 9. (a) All proceeds from sales of property (including the assignment of contracts) authorized under section 2 of this act are hereby appropriated for expenditure by the Secretary for (1) expenses of disposal of Federal property under this act, including rebates, where appropriate, to vendees of the United States entitled to the discount provided under section 3 of this act for attainment of early incorporation of the municipality, and (2) for purposes authorized in subsection 7 (a) and (1) of subsection 7 (b) of this act: *Provided*, That amounts referred to in (2) and (3) of subsection 7 (b) of this act shall be expended only after specific appropriation has been made by Congress therefor. So much of the aforesaid proceeds as is in excess of amounts which may be necessary for expenditures referred to in this subsection shall be covered into the reclamation fund.

(b) Transfers under this act of Federal property to non-Federal ownership shall not result in any diminution of the reimburse-

able costs of the Columbia Basin project except to the extent that any net proceeds from sales of property under this act are credited to said project.

SEC. 10. Transfers of Federal property under this act shall not impair rights under leases granted by the United States.

SEC. 11. (a) The Secretary is authorized to perform such acts, to make such rules and regulations, and to include in any contracts and conveyances such provisions as he deems proper for the purpose of carrying out the provisions of this act, including provisions for payment for furnishing of municipal facilities and services while such facilities and services are provided by the United States and for the establishment of liens in connection therewith. There are hereby authorized to be appropriated such sums, not otherwise appropriated, as may be required to carry out the purposes of this act. Whenever in this act functions, powers, and other duties are conferred upon the Secretary, such functions, powers, and duties may be performed, exercised, or discharged by his duly authorized representatives.

(b) The Secretary is authorized to enter into contracts with the municipality whereby either party might undertake to render to the other such services in aid of the performance of activities and functions of the municipality and of the Department of the Interior within or near Coulee Dam as will, in the Secretary's judgment, contribute substantially to the efficiency or economy of the operations of the Department of the Interior.

(c) The authority conferred by this act is in addition to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith.

SEC. 12. This act may be cited as the "Coulee Dam Community Act of 1957."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MR. JACKSON. Mr. President, the pending bill, S. 1574, was reported with the unanimous agreement of the Committee on Interior and Insular Affairs. The bill provides for the disposal of Government-owned property in the towns of Grand Coulee and Coulee Dam, which lie adjacent to the \$300 million structure of Grand Coulee Dam itself.

The bill makes provision for a system of priorities on behalf of the present residents of the area in obtaining the property and, in addition, a grant totaling \$210,000 is included to start the new towns on their way towards incorporation. Of this amount, \$130,000 is to be set aside for sewage improvements in both towns and \$80,000 is to be used for assisting Coulee Dam in financing its municipal operations for the first 3 years after incorporation.

The subject has been under discussion for a period of years and the bill conforms to legislation previously enacted by Congress in connection with the disposition of the cities of Richland, Washington, and Oak Ridge, Tenn.

It is of prime importance to the Government that these communities be allowed to function as wholesome and attractive towns suitable as residences for the personnel stationed at the dam. I further submit that the grants involved represent obligations which the Government has already assumed, regarding the sewage disposal facilities. Obviously, Government money will be saved in the long run if the management of these two towns is removed from the jurisdic-

tion of the Bureau of Reclamation. After limited allowances, provided in S. 1574, the Government will be relieved of any further financial responsibility to these two communities.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The question is on agreeing to the committee amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF TRANSPORTATION OF EXPLOSIVES ACT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 280, S. 1491.

The PRESIDING OFFICER. The Secretary will state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1491) to revise the Transportation of Explosive Act, chapter 39, title 18, of the United States Code, as amended.

Mr. JOHNSON of Texas. I should like to state that if the request is agreed to, it is not my purpose to ask the Senate to proceed immediately to the consideration of the bill. After a quorum call is held, I shall ask that the Senate go into executive session for the purpose of considering the Executive Calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interstate and Foreign Commerce with amendments.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I am about to suggest the absence of a quorum. I hope that the attachés of the Senate will take notice of the suggestion when it is made, and that they will notify absent Senators, because it is my purpose to move that the Senate go into executive session for consideration of the Executive Calendar.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Chavez	Hickenlooper
Allott	Church	Hill
Anderson	Clark	Holland
Barrett	Cooper	Hruska
Beall	Curtis	Ives
Bennett	Dirksen	Jackson
Bible	Douglas	Javits
Bricker	Dworshak	Jenner
Bridges	Ellender	Johnson, Tex.
Bush	Flanders	Johnston, S. C.
Butler	Frear	Kefauver
Byrd	Fulbright	Kennedy
Capehart	Goldwater	Kerr
Carlson	Gore	Knowland
Carroll	Green	Kuchel
Case, N. J.	Hayden	Magnuson
Case, S. Dak.	Hennings	Malone

Mansfield	Pastore	Smith, N. J.
Martin, Iowa	Potter	Sparkman
Martin, Pa.	Purtell	Stennis
McClellan	Revercomb	Symington
McNamara	Robertson	Talmadge
Monroney	Russell	Thurmond
Morse	Saltonstall	Thye
Morton	Schoeppel	Wiley
Mundt	Scott	Williams
Murray	Smathers	Yarborough
Neuberger	Smith, Maine	Young

Mr. MANSFIELD. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from West Virginia [Mr. NEELY], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. COTTON] is necessarily absent. The Senator from Utah [Mr. WATKINS] is absent on official business.

The Senator from North Dakota [Mr. LANGER], and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The PRESIDING OFFICER. A quorum is present.

REGULATION, CONTROL, AND ERADICATION OF PLANT PESTS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1442) to facilitate the regulation, control, and eradication of plant pests, which was to strike out all after the enacting clause and insert:

TITLE I—FEDERAL PLANT PEST ACT

SEC. 101. This title may be cited as the "Federal Plant Pest Act."

SEC. 102. As used in this act, except where the context otherwise requires:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Properly identified employee of the Department of Agriculture" means an employee of that Department authorized to enforce the provisions of the Plant Quarantine Act, and wearing a suitable badge for identification, or otherwise properly identified.

(c) "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(d) "Living stage" includes the egg, pupal, and larval stages as well as any other living stage.

(e) "United States" means any of the States, Territories, or Districts (including possessions and the District of Columbia) of the United States.

(f) "Interstate" means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport,

or move, or allow to be moved, by mail or otherwise.

(h) "Plant Quarantine Act" means the act of August 20, 1912 (37 Stat. 315), as from time to time amended (7 U. S. C. 151 and the following).

(i) "Mexican Border Act" means the act of January 31, 1942 (56 Stat. 40), as from time to time amended (7 U. S. C. 149).

SEC. 103. (a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, of plant pests.

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved.

SEC. 104. (a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is hereby declared to be nonmailable, and will not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except when accompanied by a copy of a permit issued under this act.

(b) Nothing in this act shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this act shall not apply to any employee of the United States in the performance of his duties in handling mail.

SEC. 105. (a) Except as provided in paragraph (c), the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States, or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest, or which has moved into the United States, or interstate, and which he has reason to believe was infested or infected by or contained any such plant pest at the time of such movement; and any plant pest, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United, or interstate, in violation of this act or any regulation thereunder: *Provided*, That this paragraph shall not authorize such action with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act.

(b) Except as provided in paragraph (c), the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under paragraph (a), or his agent, to treat, apply other remedial measures to, destroy, or make other disposal of such product, article, means of conveyance, or plant pest, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States district court, or to the United States court

of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or plant pest is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoena for witnesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of plant pests new to or not theretofore known to be widely prevalent or distributed within and throughout the United States.

(d) The owner of any product, article, means of conveyance, or plant pest destroyed, or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for plant disease and pest control activities of the Department of Agriculture.

SEC. 106. The Secretary may promulgate such regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States, or interstate, and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests, in any situation in which such regulations are not authorized under the Plant Quarantine Act.

SEC. 107. Any properly identified employee of the Department of Agriculture shall have authority to stop and inspect, without a warrant, any persons or means of conveyance moving into the United States, and any plant pests and any products and articles of any character whatsoever carried thereby, to determine whether such persons or means of conveyance are carrying any plant pest contrary to this act and whether any such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving in violation of any regulation under this act; to stop and inspect, without a warrant, any persons or means of conveyance moving interstate, and any plant pests and any products and articles of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving subject to any regulation under this act, or that such persons or means of conveyance are carrying any plant pest subject to this act; and to enter, with a warrant, any premises in the United States, other than places which may be entered under section 15 of the Plant Quarantine Act, to make any inspections and seizures necessary under this act. Any judge of the United States or of a court of record of any State, Territory or possession, or a United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation

showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this act, issue warrants for the entry of such premises to make any inspections or seizures under this act. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 108. Any person who violates section 103 of this act, or any regulation promulgated under this act, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both.

SEC. 109. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 110. The act entitled "An act to provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico," approved January 31, 1942 (56 Stat. 40; 7 U. S. C. 149) is hereby amended by deleting the provision that "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by and under the direction of authorized inspectors of the Department of Agriculture," and by substituting therefore the following: "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture."

SEC. 111. The authority conferred by this act shall be in addition to authority conferred by other statutes not specifically repealed hereby. Nothing in this act shall amend or repeal any of the provisions of the Plant Quarantine Act. The act entitled "An act to prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose," approved March 3, 1905 (33 Stat. 1269; 7 U. S. C. 141-144), and the act entitled "An act to prevent the entry of certain mollusks into the United States," approved September 22, 1951 (65 Stat. 335; 7 U. S. C. 441), are hereby repealed. However, all acts amended or repealed hereby shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to the effective date of this act. Nothing contained in this act shall affect the validity of any findings, regulations, or other orders, permits, or certificates, which were issued under any of the acts cited in this section prior to the effective date of this act and which are in effect on said date, but such findings, regulations, other orders, permits, and certificates shall remain in effect unless and until modified in accordance with this act.

TITLE II—ERADICATION AND CONTROL OF INSECT PESTS, PLANT DISEASES, AND NEMATODES

SEC. 201. Subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 147a), is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the word "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed, spotted alfalfa aphid."

Mr. ELLENDER. Mr. President, the Committee on Agriculture and Forestry took up this matter at its last meeting, and authorized me to move that the Senate concur in the amendment of the

House of Representatives to Senate bill 1442.

I have consulted with the majority leader, the minority leader, and the ranking Republican member of the Committee on Agriculture and Forestry; and there is no objection to the action I am now proposing.

Mr. President, in that connection I ask unanimous consent that a short explanation of the amendments added by the House of Representatives be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION OF HOUSE AMENDMENT TO S. 1442

The House amendment to S. 1442 is in the nature of a substitute.

Title II of the House amendment is identical to the bill as passed by the Senate, except that the spotted alfalfa aphid has been added to the enumerated pests covered by section 102 (a) of the Department of Agriculture Organic Act of 1944. The House report states that the spotted alfalfa aphid first appeared in this country in 1954 and is extremely destructive of growing alfalfa.

No part of title I of the House amendment was contained in the Senate bill. Title I, to be cited as the Federal Plant Pest Act would prohibit the importation, interstate movement, or mailing, of plant pests, except as authorized by the Secretary of Agriculture. The importation and interstate movement of injurious insects and of plants and plant products which may carry insect pests or plant diseases, and the interstate movement of any materials which may carry insect pests or plant diseases are regulated by existing law, but this authority does not now extend to plant diseases as such, disease-bearing organisms, mites, nematodes, protozoa, bacteria, fungi, parasitic plants and viruses injurious to plants or plant products. All of these, as well as certain other organisms and substances, would be included in the definition plant pest and covered by title I.

Title I would also (1) authorize emergency measures, such as seizure and destruction of products, articles and conveyances which may disseminate new or localized plant pests, (2) provide compensation for property destroyed or disposed of under certain circumstances, and (3) authorize the issuance of regulations controlling the inspection and movement of articles and conveyances as necessary to prevent the dissemination of plant pests in situations not covered by the Plant Quarantine Act.

Mr. JOHNSON of Texas. Mr. President, I should like to ask the Senator from Louisiana whether this measure is the same as the one he discussed with the Senator from California [Mr. KNOWLAND] before he left the Chamber.

Mr. ELLENDER. Yes; it is.

Mr. JOHNSON of Texas. As I understand, the Senator from California is agreeable to the action the Senator from Louisiana now proposes.

Mr. ELLENDER. That is correct.

Mr. President, I move that the Senate concur in the amendment of the House of Representatives to Senate bill 1442.

The motion was agreed to.

VISIT TO THE SENATE BY NATO PARLIAMENTARIANS

Mr. SPARKMAN. Mr. President, there are present in the Chamber at this time some representatives of the parliamen-

tary bodies of five different NATO countries—Belgium, Germany, Iceland, Norway, and the United Kingdom. I take pleasure in presenting to the Senate these distinguished gentlemen, as follows:

Mr. Georges J. N. Dejardin, of Liege, Belgium, a Member of the Chamber of Representatives.

Mr. Siegfried Moerchel, of Salzgitter-Lebenstedt, Germany, a Deputy Member of the Bundestag.

Mr. Petur Petursson, of Reykjavik, Iceland, a Member of Parliament.

Mr. Arnfinn S. Roald, of Vigra, Norway, a Deputy Member of the Storting.

Lt. Comd. L. C. Maydon, of Wells, England, a Member of Parliament of the United Kingdom.

Mr. Thomas Peart, of Workington, England, a Member of Parliament of the United Kingdom.

Mr. President, I desire to state that we are delighted to have these gentlemen visit our country. It is their plan to be in the United States for approximately 30 days, during which they will tour throughout the country and will observe its functioning. We are happy to have them in the Senate on this occasion.

[Applause, Senators rising.]

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The Chair expresses the good wishes of the Senate to these distinguished visitors who are observing our parliamentary procedure.

ACTUAL LIVING STANDARDS OF MANY UNION LEADERS

Mr. NEUBERGER. Mr. President, recent headlines about lavish spending and abuse of union funds by certain labor officials have created in the public mind lurid impressions which must reflect adversely on the leaders of all labor unions. Such an adverse reflection would be an unfortunate—even if unavoidable—consequence of the disclosures concerning the management of a few unions. Yet it seems highly inaccurate and unfair, so far as the great majority of labor's leaders are concerned.

The Wall Street Journal for May 7, 1957, carried a front-page review of the compensation and expense allowances paid to a cross section of officials of major national labor organizations. The Wall Street Journal concludes that "most live conservatively." "While far from lavish livers for the most part," union leaders do not believe that they should put on a studied "poor front" to dramatize their representation of working men and women, the article states; and it explains that "caught in the crossfire of hostile criticism that the charges against Mr. Beck have sparked are many unions which insist on—and get—strict accounting of spending by officials, and a host of other labor leaders who have nothing but contempt for Mr. Beck's mode of living."

Mr. President, because the national headquarters of the International Woodworkers of America is located in Portland, Oreg., near the vast forests of the Pacific Northwest, where many thousands of its members work, I was par-

ticularly interested in the references in the Wall Street Journal to Mr. Albert F. Hartung, the president of that union:

When A. F. "Al" Hartung, president of the International Woodworkers of America, picks up a dinner tab for guests, for example—

Says the Wall Street Journal—

he invariably scrawls across his union voucher the names of the people he's buying for.

It may be a fair question, Mr. President, how many corporation presidents follow this practice. I should like to read the remainder of the Wall Street Journal's references to Mr. Hartung, of the Woodworkers Union:

He draws a \$9,100 a year salary and \$8 a day on trips "for meals, pressing my suits, and buying papers."

Says the slow-talking, soft-toned Mr. Hartung of his personal spending: "By the time we pay our rent, put one girl through college, and Uncle Sam takes his slice, I don't know whether we live above my salary or below it, but we use it up and don't squander it."

In addition to the 2-bedroom apartment he rents in Portland ("It's not a dump," observes Mr. Hartung, "but it's not elaborate"), the Woodworkers' top man has a "little old farm" of his own on about 5 acres along the Tualatin River near Portland. He says he and his wife are trying to fix it up as a summer place.

Mr. President, I have singled out, from the Wall Street Journal article, these references to Al Hartung because I know him well, personally, and because they square exactly with what I have known about him. But I am hopeful that Al Hartung's modest scale of living and his careful accounting for the union funds expended in his limited expense account represent the rule, rather than the exception, in the leadership and management of labor unions. I think it is particularly significant that confirmation for this view should come from the Wall Street Journal, which will never be accused of being a special apologist or mouthpiece for America's organized labor and its leaders. I ask unanimous consent that the entire article from the Wall Street Journal of May 7, 1957, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LABOR LEADERS: UNLIKE BECK, MOST LIVE CONSERVATIVELY, BUT THEY SHUN POOR FRONT—STEELWORKER McDONALD PAYS A MORTGAGE—MR. REUTHER OBJECTS TO SALARY BOOST—CADILLACS AND MIAMI HOTELS

David John McDonald, urbane, silver-haired president of the 1,250,000-member United Steelworkers of America, resides in a mortgaged \$30,000 seven-room house in Mount Lebanon Township, a pleasant, nicely kept community a few miles south of Pittsburgh, Pa.

"We live quite simply," says the \$50,000-a-year labor leader. "I drive a Pontiac convertible and have no chauffeur, and my wife has no servants. A cleaning lady comes in once in a while but my wife does the cooking and the housekeeping, and my own boy (Dave, Jr., 17) or guys in the neighborhood cut the grass."

There's no real austerity in Mr. McDonald's life—and he doesn't try to convey the impression that there is. "I'll guarantee you," he says, "that when I'm out of town, I'm going to live the best I can." And at home,

he adds, "I am not going to live in a slum with an outside toilet."

AN ECONOMIC PAR

In many ways, Mr. McDonald's philosophy about his mode of living typifies views held by a good many other top labor leaders. While far from lavish livers for the most part, they're not willing to put up a "poor front" simply because they represent a large group of working people. Indeed, there's solid conviction among some that they should live, dress, and travel on an economic par with their corporate counterparts.

The economic fortunes of union leaders are of more than casual interest today. Disclosure by Senate investigators of the high living on union-provided funds of teamsters' boss, Dave Beck, has touched off demands by officials—and rank-and-file union members as well—for closer accounting of all union money. Yesterday, in elaborating on its corruption charges against the teamsters union, the AFL-CIO Ethical Practices Committee made Mr. Beck's conduct the target of most of its accusations. And tomorrow, Mr. Beck again will be called before the Senate's Special Investigating Committee for questioning about his alleged misuse of union funds.

Caught in the crossfire of hostile criticism that the charges against Mr. Beck have sparked are many unions which insist on—and get—strict accounting of spending by officials, and a host of other labor leaders who have nothing but contempt for Mr. Beck's mode of living.

Over the past quarter of a century, of course, the economic power of unions has grown mightily. Less clearly defined perhaps, but nonetheless significant, is the growing affluence of the men who now occupy the top labor positions.

Wall Street Journal reporters talked with more than a dozen chief executives of the Nation's large international unions, the men around these union leaders and management people who deal with them. In interviews, conducted in the offices and homes of labor leaders, the newsmen found the union chiefs willing to talk quite frankly about their salaries, their expense accounts, their way of living and their spending attitudes.

SALARIES, PLUS EXPENSES

Salaries of international union leaders interviewed range from a low of \$6,750 (John Clark, president of the International Union of Mine, Mill, and Smelter Workers) to a high of \$50,000 a year for Mr. McDonald and John L. Lewis, the 77-year-old, grumpy-looking chief of the United Mine Workers. Dave Beck's salary is listed as \$50,000 a year, too.

These salaries, of course, are supplemented by liberal expense accounts, with most leaders—by choice or by requirement—giving detailed accounting of where the money goes. When A. F. "Al" Hartung, president of the International Woodworkers of America, picks up a dinner tab for guests, for example, he invariably scrawls across his union voucher the names of the people he's buying for.

Says Lee Minton, head of the Glass Bottle Blowers Association of the United States and Canada: "My boys tell me that they don't care what it costs—within reason, of course—for me to be able to negotiate with management as an equal. They want me to be well dressed and have money in my pocket."

Generally, the homes and offices of these labor chiefs reflect fairly closely their salaries and union's status. In some cases, the price of the place a union chief lives in is below his annual salary. L. S. "Buck" Buckmaster, president of the AFL-CIO United Rubber, Cork, Linoleum and Plastic Workers of America, for example, still lives in the neat, yellow, clapboard, brown shingled house in

Public Law 85-36
85th Congress, S. 1442
May 23, 1957

AN ACT

To facilitate the regulation, control, and eradication of plant pests.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL PLANT PEST ACT

SEC. 101. This title may be cited as the "Federal Plant Pest Act".

SEC. 102. As used in this Act, except where the context otherwise requires:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Properly identified employee of the Department of Agriculture" means an employee of that Department authorized to enforce the provisions of the Plant Quarantine Act, and wearing a suitable badge for identification, or otherwise properly identified.

(c) "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(d) "Living stage" includes the egg, pupal, and larval stages as well as any other living stage.

(e) "United States" means any of the States, Territories, or Districts (including possessions and the District of Columbia) of the United States.

(f) "Interstate" means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport, or move, or allow to be moved, by mail or otherwise.

(h) "Plant Quarantine Act" means the Act of August 20, 1912 (37 Stat. 315), as from time to time amended (7 U. S. C. 151 and the following).

(i) "Mexican Border Act" means the Act of January 31, 1942 (56 Stat. 40), as from time to time amended (7 U. S. C. 149).

SEC. 103. (a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, of plant pests.

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved.

Postal laws.

SEC. 104. (a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is hereby declared to be nonmailable, and will not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except when accompanied by a copy of a permit issued under this Act.

(b) Nothing in this Act shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this Act shall not apply to any employee of the United States in the performance of his duties in handling mail.

Seizure of
infected
plants.

71 Stat. 32.

71 Stat. 33.

SEC. 105. (a) Except as provided in paragraph (c), the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States, or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest, or which has moved into the United States, or interstate, and which he has reason to believe was infested or infected by or contained any such plant pest at the time of such movement; and any plant pest, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United States, or interstate, in violation of this Act or any regulation thereunder: *Provided*, That this paragraph shall not authorize such action with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act.

(b) Except as provided in paragraph (c), the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under paragraph (a), or his agent, to treat, apply other remedial measures to, destroy, or make other disposal of such product, article, means of conveyance, or plant pest, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States district court, or to the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or plant pest is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoena for witnesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of plant pests new to or not theretofore known to be widely prevalent or distributed within and throughout the United States.

(d) The owner of any product, article, means of conveyance, or plant pest destroyed, or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensa-

tion for such destruction or disposal of such product, article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for plant disease and pest control activities of the Department of Agriculture.

SEC. 106. The Secretary may promulgate such regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States, or interstate, and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests, in any situation in which such regulations are not authorized under the Plant Quarantine Act.

Regulations
and condi-
tions.

71 Stat. 33.

71 Stat. 34.

SEC. 107. Any properly identified employee of the Department of Agriculture shall have authority to stop and inspect, without a warrant, any persons or means of conveyance moving into the United States, and any plant pests and any products and articles of any character whatsoever carried thereby, to determine whether such persons or means of conveyance are carrying any plant pest contrary to this Act and whether any such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving in violation of any regulation under this Act; to stop and inspect, without a warrant, any persons or means of conveyance moving interstate, and any plant pests and any products and articles of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving subject to any regulation under this Act, or that such persons or means of conveyance are carrying any plant pest subject to this Act; and to enter, with a warrant, any premises in the United States, other than places which may be entered under section 15 of the Plant Quarantine Act, to make any inspections and seizures necessary under this Act. Any judge of the United States or of a court of record of any State, Territory or possession, or a United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this Act, issue warrants for the entry of such premises to make any inspections or seizures under this Act. Such warrants may be executed by any authorized employee of the Department of Agriculture.

Inspections
and
seizures.

41 Stat. 726.

7 USC 167.

SEC. 108. Any person who violates section 103 of this Act, or any regulation promulgated under this Act, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this Act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both.

Penalty.

SEC. 109. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Separability.

SEC. 110. The Act entitled "An Act to provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from

Railway cars.
Disinfection.

Mexico," approved January 31, 1942 (56 Stat. 40; 7 U. S. C. 149) is hereby amended by deleting the provision that "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by and under the direction of authorized inspectors of the Department of Agriculture," and by substituting therefor the following: "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture,".

Repeals, etc.
71 Stat. 34.
71 Stat. 35.
37 Stat. 315.
7 USC 151
note.

SEC. 111. The authority conferred by this Act shall be in addition to authority conferred by other statutes not specifically repealed hereby. Nothing in this Act shall amend or repeal any of the provisions of the Plant Quarantine Act. The Act entitled "An Act to prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose," approved March 3, 1905 (33 Stat. 1269; 7 U. S. C. 141-144), and the Act entitled "An Act to prevent the entry of certain mollusks into the United States", approved September 22, 1951 (65 Stat. 335; 7 U. S. C. 441), are hereby repealed. However, all Acts amended or repealed hereby shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to the effective date of this Act. Nothing contained in this Act shall affect the validity of any findings, regulations, or other orders, permits, or certificates, which were issued under any of the Acts cited in this section prior to the effective date of this Act and which are in effect on said date, but such findings, regulations, other orders, permits, and certificates shall remain in effect unless and until modified in accordance with this Act.

TITLE II—ERADICATION AND CONTROL OF INSECT PESTS, PLANT DISEASES, AND NEMATODES

58 Stat. 735. SEC. 201. Subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended, (7 U. S. C. 147a) is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed, spotted alfalfa aphid,".

Approved May 23, 1957.